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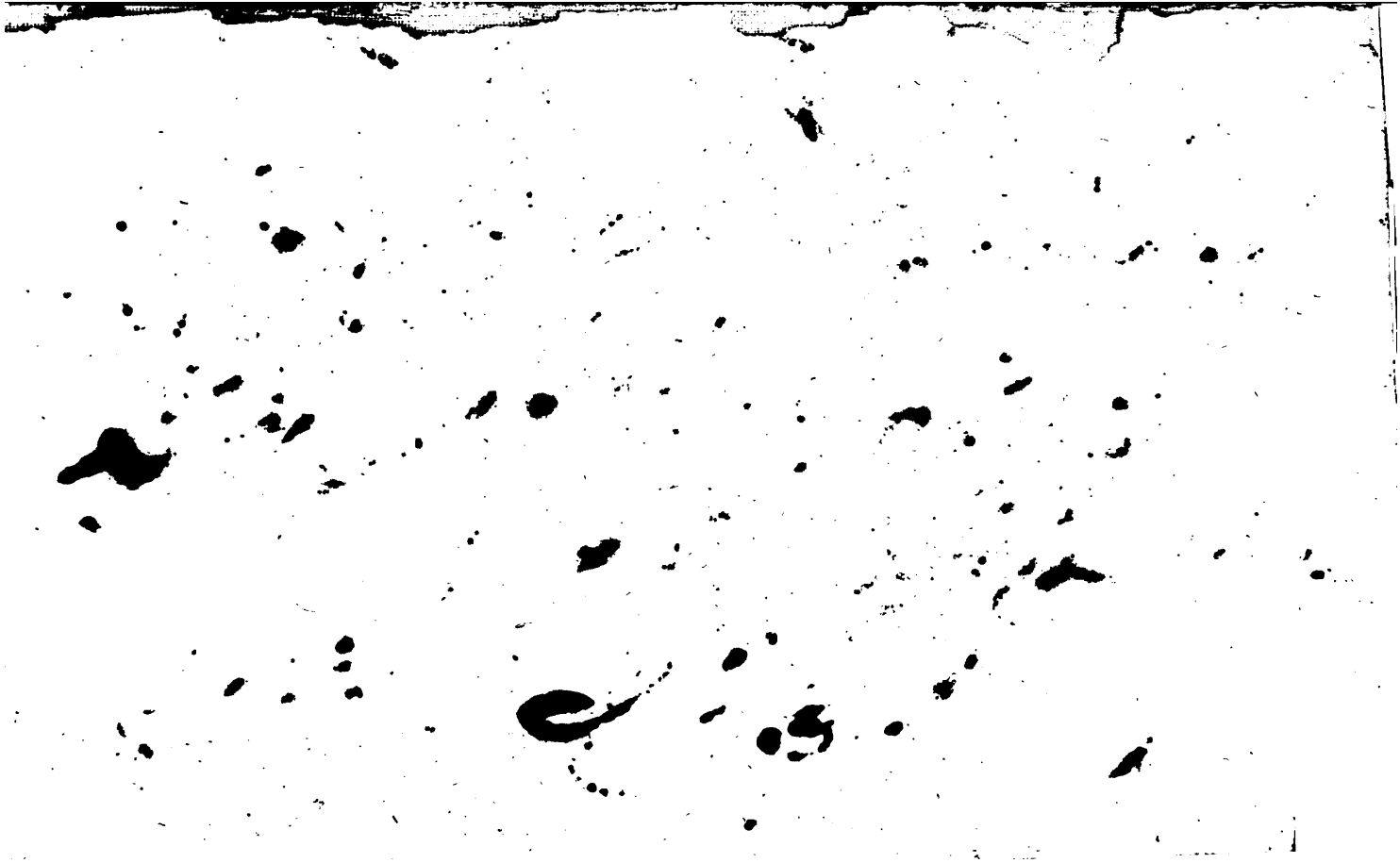

ACTS

PASSED AT THE FIRST SESSION

OF THE

TWENTY-SEVENTH GENERAL ASSEMBLY

FOR THE

COMMONWEALTH OF KENTUCKY,

BEGUN AND HELD IN THE TOWN OF FRANKFORT, ON MONDAY, THE SEVENTH DAY OF DECEMBER 1818, AND OF THE COMMONWEALTH THE TWENTY-SEVENTH.

GABRIEL SLAUGHTER,

LIEUTENANT GOVERNOR, AND ACTING GOVERNOR.

PUBLISHED BY AUTHORITY.

FRANKFORT:

PRINTED BY KENDALL AND RUSSELLS,

PRINTERS TO THE STATE.

1819.

11667
MAY 14 1936

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C. J. Hour

ACTS

OF THE

GENERAL ASSEMBLY.

CHAP. CCCVIII.

AN ACT to authorise the Editors of certain Newspapers to insert certain Advertisements.

Approved December 11, 1818.

BE it enacted by the General Assembly of the Commonwealth of Kentucky, That it shall and may be lawful for any advertisements which are required by law to be published in a newspaper, to be inserted in "The Green River Telegraph," printed at Glasgow; "The People's Friend," printed in Danville; "The Public Advertiser," printed at Louisville; "The Western American," printed at Springfield; "The Impartial Compiler," printed at Shelbyville; "The Laurel," printed at Mountsterling; "The Augusta Whig," printed at Augusta, in Bracken county; and "The Instructer," printed at Paris. And the editors of the said papers shall be entitled to the same fees, and be governed by the same rules as other printers in this commonwealth: *Provided*, That nothing herein contained shall be so construed as to authorise the insertion in said papers of such advertisements as are by law particularly required to be published in the paper of the public printer.

The editors of the Green River Telegraph, the People's Friend, Public Advertiser, Western American, Impartial Compiler, the Laurel, Augusta Whig and the Instructer, authorised to insert advertisements.

Fees.

Proviso.

CHAP. CCCIX.

An ACT in addition to an act entitled "an act to incorporate the Louisville Insurance Company."

Approved December 21, 1818.

Number of directors increased.

BE it enacted by the General Assembly of the Commonwealth of Kentucky, That there shall be hereafter elected by the stockholders, or by the president and directors of the Louisville Insurance Company, as is hereinafter provided, thirteen directors to manage the concerns of the company; and the board of directors shall hereafter elect one of their number to be the president of the company; and in case any vacancy shall happen during the year, either in the presidency or in the board, by the death, resignation, removal out of the commonwealth, or refusal to act, of any president or member, any and all such vacancies shall from time to time be filled by the election of the board; and in case of the temporary absence of the president, the board may elect a president *pro tempore*, who shall have, during his continuance in office, all the rights and powers of the president: *Provided*, nothing herein contained shall be so construed as to vacate any election of president or directors which has been already made for the present year.

Vacancies of president or directors, how filled.

Proviso.

CHAP. CCCX.

An ACT for the benefit of part of the children of William Sthreshley, deceased.

Approved December 21, 1818.

Recital.

WHEREAS the circuit court of Fayette county, at their September term 1818, on the petition of several of the children of William Sthreshley, deceased, and proceedings had thereon, decreed a sale of the tract of land therein mentioned; but it appearing that said land is held by said infants by deed from their grandfather, and not by descent or devise, and therefore the case does not appear to be within the provision of the act of assembly under which said proceedings were had: For remedy whereof,

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the commissioners appointed by said decree, or any two of them, may proceed to sell said land, and the court to carry their said decree into effect, in the same manner as if said land were held by said infants by descent or devise; and the proceedings in said case shall have the same effect in law, and the title pass by the deed of the commissioners in the same manner as if said land had been held by said infants by descent or devise.

The comm'rs. appointed under the decree of the Fayette circuit court to sell certain lands, authorised to do so.

CHAP. CCCXI.

An ACT for the benefit of Thomas Bonnell.

Approved December 28, 1818.

WHEREAS it is represented to the present general assembly, that Thomas Dean did, by his last will and testament, devise to Thomas Bonnell, the infant son of Jonathan Bonnell, a small tract or piece of land containing about the quantity of forty-seven and a half acres, lying on the waters of Shawanee run, in Mercer county, and that said Dean has departed this life, and his said will [has been] duly proven and recorded in the Mercer county court, whereby the legal title to said land vested in said devisee; and that said Jonathan Bonnell has been duly appointed by the Mercer county court guardian to said devisee, and from the quantity, situation and quality of said land, it never can be advantageously used for the purpose of husbandry by said devisee; and if said land could be sold, and the proceeds of sale vested in other lands, for the use of the devisee, it would greatly advance his interest:

Recital.

Sec. 1. *Be it therefore enacted by the General Assembly of the Commonwealth of Kentucky*, That said tract of land of forty-seven acres and a half (be the same more or less) be, and the same is hereby vested in the said Jonathan Bonnell, as guardian and trustee for said Thomas Bonnell, for the purpose of enabling said Jonathan Bonnell to sell and convey the same, at such time and in

Jonathan Bonnell authorised to sell certain lands of his infant son Thomas Bonnell, and vest the proceeds in other lands for his benefit.

such manner as said Jonathan Bonnell may think expedient, or most conducive to the interest of said Thomas Bonnell. And it shall be the duty of said Jonathan Bonnell to invest the proceeds of said sale in the purchase of other lands for the use of said Thomas Bonnell. All conveyances taken by said Jonathan Bonnell for land so to be purchased by him, shall be in fee simple, and with clause of general warranty, and shall be taken to said Thomas Bonnell, his heirs, &c.

Nature of the conveyances, &c.

Sec. 2. *Be it further enacted*, That previous to said Jonathan Bonnell making sale of said land, he shall enter into bond with security, in the Mercer county court, in a penalty double the value of said land, to be adjudged of by said court; which bond shall be made payable to the said Thomas Bonnel, his heirs, executors or administrators, and conditioned for the faithful discharge of the above trust.

To give bond, &c.

CHAP. CCCXII.

An ACT for the benefit of the Register of the Land-Office.

Approved December 28, 1818.

BE it enacted by the General Assembly of the Commonwealth of Kentucky, That the register of the land-office be allowed one month from the passage of this act, to execute the bond of office required by law to be executed every fifth year, and which he omitted to give in the year 1815; and such bond, when executed by him, shall be as effectual, to all intents and purposes, as if the same had been executed in the time prescribed by any law in force on the subject.

Further time allowed the register to renew his office bond.

CHAP. CCCXIII.

An ACT establishing the Town of Maxville, in Washington County.

Approved December 28, 1818.

WHEREAS it is represented to the present general assembly, that a town has been laid off,

Preamble.

and part of the lots sold, in the county of Washington, on the main road leading from Springfield to Harrodsburg, upon the lands of John M'Ketrick and Matthew Flournoy; and that it would be of public utility to establish said town:

Town established & trustees appointed

Sec. 1. *Be it therefore enacted by the General Assembly of the Commonwealth of Kentucky*, That twenty-seven and one-fourth acres of land belonging to said M'Ketrick and Flournoy, bounded according to a plan already made out by them, and when recorded in the clerk's office of the Washington county court, shall be, and the same is hereby established a town, by the name of MAXVILLE; and Benjamin Wilkerson, Edward L. Head, Ambrose M. Clark, William M'Ketrick and Fielding Priest, Esquires, and their successors in office, are hereby appointed trustees of said town, who, or a majority of them, shall have power to pass all such by-laws as are necessary and constitutional, for the government of said town; also to lay and cause to be collected a tax upon the inhabitants of said town, not exceeding fifty dollars annually, for the benefit of said town, and to appoint a collector, who shall be authorised to make collections in the same manner sheriffs collect the taxes of this commonwealth.

May pass by-laws, levy and collect taxes, &c.

Trustees to be elected annually.

Sec. 2. *Be it further enacted*, That there shall be an annual election of trustees for said town, to be holden on the first Monday in May in each year, when there shall be five trustees elected, who shall be residents of said town; but should the election not take place on that day, the incumbents shall continue in office until their successors can be elected; and it shall be the duty of the incumbents to fix on some other convenient day, as early as practicable, for the election. None but the free white male inhabitants of said town shall be entitled to suffrage.

May fill all vacancies in their own board.

To appoint a clerk, &c.

Sec. 3. *Be it further enacted*, That a majority of the trustees shall have the power to fill vacancies that may occur in their board; and it shall be their duty to appoint a clerk to keep a record of their proceedings, whose office shall depend on the will of the board.

Trustees to make conveyances for the lots.

Sec. 4. *Be it further enacted*, That a majority of trustees of said town shall convey in fee simple the lots that are now sold, or that hereafter may be sold by said M'Ketrick or Flournoy, to the purchaser or purchasers respectively, upon the production of a certificate executed by the said M'Ketrick or Flournoy, for any lot or lots lying in their parts of said town, authorising the conveyance, which shall be as effectual to convey the title as if the conveyance was made by the said M'Ketrick or Flournoy, or either of them.

Fines may be imposed & recovered for violations of by-laws,

Sec. 5. *Be it further enacted*, That the trustees of said town shall not lay a fine on any person exceeding five dollars, for any one violation of their by-laws; and all fines by them imposed shall be sued for in the name of the trustees, and be recoverable before any justice of the peace for this commonwealth; which fines when collected shall be applied to the improvement of said town.

CHAP. CCCXIV.

An ACT supplemental to an act passed on the 15th December 1817, for the benefit of the widow and heirs of Thomas Clark.

Approved December 28, 1818.

Recital.

WHEREAS it is represented to this general assembly, that in the act passed the 15th of December 1817, for the benefit of the widow and heirs of Thomas Clark, deceased, a mistake was made in the number of acres contained in certificate No. 870, it being two hundred, instead of four hundred: Therefore,

Mistake in former act rectified.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That all the provisions of the act to which this is a supplement, shall be carried into full effect as if no such mistake existed.

CHAP. CCCXV.

An ACT to open a Road from Mountsterling to the Virginia line by way of Prestonsburg, and for other purposes.

Approved December 28, 1818.

Preamble.

WHEREAS an act of the general assembly, passed on the 4th day of February 1817, appointing commissioners to survey and mark a road leading from the town of Mountsterling in the county of Montgomery, to the Virginia line, by way of Prestonsburg, in Floyd county; and said commissioners having performed their duties and reported agreeably to said act; and it appearing that the opening of a road agreeably to said report would be of great public utility: Wherefore,

Comm'rs. to open road.

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That Harry B. Mayo, Mason Williams and Wildes Cook, be, [and] they are hereby appointed commissioners for the purpose of opening a road, agreeably to the report of said commissioners, from the town of Mountsterling to Prestonsburg: The said road to be at least thirty feet wide, to be cleared of standing or fallen timber, or other obstructions therein, and made suitable and convenient for the passage of waggons and other carriages.

To let out the work.

Sec. 2. *Be it further enacted*, That said commissioners, or a majority of them, shall, as soon as practicable, proceed to let out the opening of said road in lots or parcels, as in their judgment may seem best, to any person or persons that may propose to undertake the same, upon the best terms that can be had—the said commissioners having given notice for the space of thirty days, of the time and place of letting out said road, by advertisement at the court-houses of the counties of Floyd and Montgomery, and other public places in said counties. And the said commissioners are directed to require of the undertaker or undertakers bond with sufficient security for the faithful performance and fulfilment of their contract; which bond or bonds shall be made payable to the commonwealth of Kentucky, and filed in the clerk's office of the county court of

Undertakers to give bond & security.

Montgomery or Floyd, in which the contract shall be made; and in case of failure on the part of said undertaker or undertakers to perform their said contracts, or fulfil the condition of said bond, it shall be the duty of the attorney for the commonwealth for the circuit in which the parties may reside, upon the application of said commissioners, or a majority of them, to commence suit on the said bond or bonds, against the said undertaker or undertakers, and their security or securities, and prosecute the same to judgment, for such damages as a jury may assess, in the circuit court of the county where the defendant or defendants, or any one of them, may reside.

May be sued on for a failure to comply with the condition thereof.

Sec. 3. *Be it further enacted*, That it shall be the duty of said commissioners, from time to time as the work may progress and expenditures are made, to settle their accounts with the county courts of Floyd and Montgomery counties, settling with each of said courts for the work done in their respective counties; a certificate of which settlement shall be furnished by the clerks of said courts, which shall be evidence for the commissioners in the settlement of their accounts with the auditor of public accounts, as provided by this act.

Comm'rs. to settle their accounts with the Floyd and Montgomery county courts.

Sec. 4. *Be it further enacted*, That said commissioners shall, on or before the first day of May next, give bond and security for the faithful performance of their duties, in the penalty of ten thousand dollars; which bond shall be made payable to the commonwealth of Kentucky, and said bond shall be filed in the clerk's office of the Montgomery circuit court, the security to be approved of by the clerk of said court; and in case of failure on the part of said commissioners to perform the duties assigned by this act, the attorney for the commonwealth in said district shall cause suit to be instituted on said bond, in the circuit court of Montgomery, and prosecute the same to judgment—the amount of damages to be assessed by a jury.

Comm'rs. to give bond.

May be sued on for a breach of its conditions.

Sec. 5. *Be it further enacted*, That to enable the said commissioners to perform their duties, that the auditor of public accounts be directed to

Appropriation out of treasury.

issue his warrant on the treasury, upon the application of said commissioners, or a majority of them, for any sum not exceeding three thousand five hundred dollars, to be paid out of any money in the treasury not otherwise appropriated; which money thus drawn from the treasury is to be used for the purpose of opening and clearing out said road, agreeably to the provisions of this act.

A further appropriation made on certain conditions

Sec. 6. *Be it further enacted*, That the further sum of fifteen hundred dollars, be, and the same is hereby appropriated out of any money in the treasury not otherwise appropriated; the said sum to be subject to the order of the governor of this commonwealth, who, so soon as it shall be ascertained by a correspondence with the executive of Virginia, at what point on the Virginia line it will be proper to open a road to, from Prestonsburg, in order to meet a road to be opened by the state of Virginia, shall direct the said commissioners to proceed to open the road from Prestonsburg to the place thus fixed on, and authorise said commissioners, or a majority of them, to receive the sum appropriated by this section, to be used in opening that part of the road.

Comm'rs. oath

Sec. 7. *Be it further enacted*, That the commissioners appointed by this act, before they enter upon the duties of their office, shall take an oath or affirmation, before some justice of the peace, that they will faithfully, to the best of their skill and judgment, perform the duties assigned them by this act.

Their pay.

The commissioners hereby appointed, who shall perform the duties assigned to them, shall be entitled to the sum of one dollar and fifty cents per day, during the time they are actually employed; and on making satisfactory proof of the length of time they shall have been employed, before the county court of Floyd or Montgomery county, the court shall certify the same to the auditor of public accounts, who shall grant a warrant on the treasury for the amount, which shall be paid accordingly.

CHAP. CCCXVI.

An ACT further to regulate the debt due the Commonwealth for the sale of vacant Land.

Approved December 22, 1818.

BE it enacted by the General Assembly of the Commonwealth of Kentucky, That the act entitled "an act further to regulate the payment of the debt due the commonwealth for the sale of vacant lands," approved December 15th, 1817, shall be, and the same is hereby revived and continued in force for and during the term of twelve months from and after the sixth day of January 1819.

CHAP. CCCXVII.

An ACT to prevent the making of Entries and Surveys, and the emanation of Grants for certain Lands in this Commonwealth.

Approved December 22, 1818.

Entries & surveys prohibited on certain land.

SEC. 1. *BE it enacted by the General Assembly of the Commonwealth of Kentucky,* That no entry or survey shall be made upon any portion of the land lying within the late Chickasaw Indian boundary, and for the extinguishment of whose title a treaty has been lately negotiated by Isaac Shelby and Andrew Jackson, commissioners appointed by and on behalf of the United States.

Register's duty.

Sec. 2. *Be it further enacted,* That it shall not be lawful for the register of the land-office of this state to receive and register any surveys made within said boundary, nor to issue any patents thereon; and any patent issued contrary to this act, shall be null and void.

Patents void.

CHAP. CCCXVIII.

An ACT to amend the act establishing independent Banks in this Commonwealth.

Approved January 1, 1819.

Number of directors of the

BE it enacted by the General Assembly of the Commonwealth of Kentucky, That for the more

safe and convenient management of the Commercial Bank in the town of Louisville, there shall, in lieu of a president and eight directors, hereafter be a president and thirteen directors, to be chosen and elected by the stockholders in said bank, under the same rules and regulations, as to time, place and mode of election, as are prescribed in the before recited act, or which now are or may hereafter be prescribed by the by-laws of said corporation, made in pursuance of said act. And said president and thirteen directors, when chosen and elected, shall have the same powers, rights and privileges, and be subject to the same pains, penalties and restrictions as are given, granted, imposed and provided for, in and by the act to which this is an amendment. Commercial Bank of Louisville increased

CHAP. CCCXIX.

An ACT to extend the Line of Ohio County.

Approved January 2, 1819.

BE it enacted by the General Assembly of the Commonwealth of Kentucky, That from and after the passage of this act, the line of Ohio county shall run with the meanders of Rough creek, from the mouth of Rocklick creek to the mouth of Brown's creek.

CHAP. CCCXX.

An ACT to amend an act entitled "an act to establish and regulate the Town of Campbellsville, in Green County."

Approved January 2, 1819.

WHEREAS it is represented to the present general assembly, that the trustees of Campbellsville, appointed by an act approved January 3d, 1817, failed to record the plan of said town of Campbellsville, in the clerk's office of the Green county court, in the time prescribed by said act; in consequence of which, there has been no election for trustees in said town, agreeable to the provisions of said act: Therefore, Recital.

Trustees to be elected annually in May.

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That an election for trustees in said town shall be held on the first Saturday in May next, and on the same day in every year thereafter, under the same rules, regulations and restrictions as are directed by the before recited act.

Their powers and duty.

Sec. 2. *Be it further enacted*, That the said trustees, when elected, shall have and possess all the power and authority that was given to the trustees of said town by the before recited act. The trustees shall have the aforesaid plan of Campbellsville recorded in the clerk's office of Green county court, at any time within one year after they are elected and qualified, which shall have the same effect as it would have had if it had been recorded agreeably to the before recited act.

Sec. 3. *Be it further enacted*, That the trustees elected under the provisions of this act, shall, in all things relating to their office, be governed by the act to which this is an amendment, except as is herein otherwise provided.

CHAP. CCCXXI.

An ACT for the benefit of the widow of Peter Bodine, deceased, and for other purposes.

Approved January 12, 1819.

Recital.

WHEREAS it is represented to the present general assembly, that Peter Bodine, late of Hardin county, died on the expedition to New-Orleans, and left a widow without any estate whatever, and that she is an object of charity: Therefore,

Donation of 100 acres of land to the widow Bodine

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the register of the land-office be, and he is hereby directed, on the application of the widow of said Bodine, without fee, to issue her a warrant for one hundred acres of land, which she may have located on any of the vacant lands in this commonwealth, and survey and carry the same into

grant as in other cases: *Provided*, that the same shall not be located on any lands on the south and west side of the Cumberland river. Proviso.

And whereas Henry Brown, late of Grayson county, died on the campaign to New-Orleans, and left a widow without any estate, who is an object of charity: Therefore,

Sec. 2. *Be it further enacted*, That the register of the land-office be, and he is hereby authorised and directed, on the application of Hannah Brown, widow of said Henry, without fee or the auditor's quietus for the payment of the state price, to issue to said Hannah a land warrant for one hundred acres of land, which she may have located on any vacant lands in this commonwealth, and survey and carry the same into grant as in other cases: *Provided*, the same shall not be located or surveyed on any lands on the south and west side of the Tennessee river. Donation of 100 acres to Hannah Brown. Proviso.

CHAP. CCCXXII.

An ACT for the benefit of Nathaniel Tucker.

Approved January 12, 1819.

BE it enacted by the General Assembly of the Commonwealth of Kentucky, That the register of the land-office be, and he is hereby authorised and directed to issue a grant to Nathaniel Tucker, of Green county, for two hundred acres of land, upon certificate No. 311, granted by the county court of Green county to said Nathaniel Tucker; which grant shall issue without the state price being paid thereon, and without any fee being paid for registering: *Provided*, that the grant which may so issue shall not prejudice the right of any person or persons: *And provided*, that said Nathaniel Tucker shall not have power to sell or dispose of said land, but it shall be exclusively kept for the support and maintenance of the said Nathaniel Tucker, and after his death shall descend and pass to his heirs at law. Register directed to issue a grant for 200 acres to N. Tucker. Proviso.

CHAP. CCCXXIII.

An ACT erecting an Election Precinct in Nelson County.

Approved January 12, 1819.

Bounds of the precinct.

SEC. 1. *BE it enacted by the General Assembly of the Commonwealth of Kentucky,* That all that part of Nelson county included in the following bounds, to wit: Beginning on the Beech fork, at the place where the old road leading from Ray's mill to Fairfield crosses said Beech fork; thence with said road to Fairfield, leaving said town in said precinct; thence with the road that leads to Louisville, to old Mr. John Miller's; thence a straight line to Salt river, opposite to the mouth of Plumb creek; thence up said river to the Washington county line; thence with the Washington county line to Chapline's fork; thence down the same with the Nelson county line to the beginning, shall be, and the same is hereby erected into an election precinct in the said county of Nelson; and that the qualified voters in said precinct do meet at the house of John Anderson, in the town of Bloomfield, in said precinct, for the purpose of voting in all legal elections.

Place of voting therein.

County court to appoint a clerk & judges of election in precinct.

Sec. 2. *Be it further enacted,* That the county court of Nelson, at the time they appoint a clerk and judges to the election to be held at their court-house, shall also appoint a clerk and judges to preside at the election to be held at the precinct in said county; and it shall be the duty of the sheriff of said county to attend, by himself or deputy, and conduct the election to be held in said precinct; which election shall be governed by the same rules and regulations as are now prescribed by law.

Sheriff to conduct the election.

Sec. 3. *Be it further enacted,* That the sheriff who presides at the election to be held in said precinct, shall meet the sheriff who presides at the election to be held at the court-house in said county, on the fifth day after the commencement of said election, at the court-house in said county, and compare the polls and make return agreeable to the constitution and laws of this state.

To compare votes at the court-house.

CHAP. CCCXXIV.

An ACT allowing further time to survey certain claims.

Approved January 14, 1819.

BE it enacted by the General Assembly of the Commonwealth of Kentucky, That the further time of three years shall be, and is hereby allowed to the owners of head-right claims to survey the same and return plats and certificates of the surveys to the register's office: *Provided, however*, that no such survey shall be valid, unless the entry on which the same is founded is made on vacant and unappropriated land, and in conformity to the regulations heretofore prescribed: *And provided also*, that nothing herein contained shall authorise or permit any such survey to be made on any land in this commonwealth west of the Tennessee river, or in any case where the same is now prohibited by law.

Three years allowed to survey certain claims.

Proviso.

CHAP. CCCXXV.

An ACT for the relief of the Sheriffs of this Commonwealth.

Approved January 14, 1819.

BE it enacted by the General Assembly of the Commonwealth of Kentucky, That the sheriffs of this commonwealth be allowed to return their delinquent lists for the year 1817, to the auditor of public accounts, at any time before the first of February 1819; and the auditor is hereby directed to receive the same, in the same manner as he would have done had they been returned in the time now prescribed by law.

Allowed until 1st Feb. to return delinquent lists of revenue.

CHAP. CCCXXVI.

An ACT concerning the Sergeant of the Court of Appeals.

Approved January 14, 1819.

BE it enacted by the General Assembly of the Commonwealth of Kentucky, That it shall be law-

ful for the sergeant of the court of appeals to take the oaths of office in the general court, and to appoint a deputy or deputies, by the approbation of the general court, in the same manner as is authorised by law in relation to the court of appeals.

CHAP. CCCXXVII.

An ACT to provide for furnishing the Circuit Courts with a copy of the Statute Laws.

Approved January 21, 1819.

Where the clerkships to the circuit and county courts are not united in one person, the circuit court to procure a copy of Littell's Laws. To be paid for out of the treasury.

SEC. 1. *BE it enacted by the General Assembly of the Commonwealth of Kentucky,* That in cases where the offices of clerk of the circuit and county courts are not held by one and the same person, it shall be lawful for the clerks of the circuit courts to procure a copy of Littell's Laws for the use of said courts; and each clerk, upon producing to the auditor a certificate from the presiding judge of such circuit court, of his having procured said laws, shall be entitled to an order on the treasurer for a sum not exceeding twenty-five dollars, to be paid out of the public treasury.

Provision where the clerkships are united in one person.

Sec. 2. *Be it further enacted,* That the clerks of said courts shall have the care and custody of said laws; and in cases where the offices of circuit and county court clerk are united in one person, such clerk shall produce the acts of assembly, or any other printed book, from the office of the county court, into the circuit court, when the same shall be needed.

The courts authorised to procure additional copies, where the former ones become mutilated, torn, &c. and how paid for.

Sec. 3. *Be it further enacted,* That it shall be lawful for the county courts, in cases wherein the statute law furnished to, or procured by said court, shall become torn, mutilated or destroyed, to procure an additional copy, and certify the amount thereof to the auditor of public accounts, who shall issue his warrant on the treasurer therefor.

CHAP. CCCXXVIII.

An ACT for the benefit of the heirs of Adam Woods and Israel Tully.

Approved January 21, 1819.

Woods' heirs.

WHEREAS it is represented to the present general assembly of the commonwealth of Kentucky, that Adam Woods departed this life leaving a tract of land of two hundred and thirty acres, one rood and twenty-eight poles, situate, lying and being in the county of Bourbon, the title to which descended to his heirs at law; and it appearing that a division of said tract of land has been ordered and decreed by the Bourbon circuit court, between the said heirs of Adam Woods, and that by the decree of said court there is allotted to Robert Sterrett, Easter Woods, Mary Ann Woods and Thomas Woods, infant heirs at law of the said Adam Woods, deceased, forty-one acres and some poles; eight acres and thirty-six poles to the said Robert Sterrett, and the residue to be equally divided between the said Easter, Mary Ann and Thomas Woods; and it appearing that the said heirs are non-residents, and that by their guardians, Thomas Sterrett has been appointed an agent for the purpose of making sale of said land, and he having been the acting agent for the other heirs of said Adam Woods, and having sold the residue of the tract under power of attorney for the residue of the heirs, and it being doubtful as to the power of said court to decree the sale of the residue of the land belonging to said infant heirs, by reason of their guardians being non-residents; and it appearing that it is the wish of said guardians, and the interest of the heirs, that said land should be sold: Wherefore,

Recital.

Commissioner appointed to sell the land of the heirs of A. Woods.

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That Thomas Sterrett, agent of the guardians of Robert Sterrett, and of Carter, Mary Ann and Thomas Woods, be, and he is hereby authorised and empowered to make sale of the aforesaid tract of land, containing forty-one acres and some poles, for the best price that can be had, and upon such

terms and conditions as he may think most conducive to the interest of said heirs: *Provided, nevertheless,* that the said Thomas Sterrett shall not sell the said land for a less price than he has sold the residue of said tract for per acre.

Proviso.

Sec. 2. *And be it further enacted,* That the said Thomas Sterrett, before he proceeds to make sale of said land, [shall] enter into bond and security, in the county court clerk's office of Bourbon, in the penalty of five thousand dollars, to be void upon condition that the said Thomas Sterrett shall make no improper use of the powers given him by this act, prejudicial to the interest of said heirs, and shall also pay over to the regular guardian or guardians of said children, the amount of purchase money arising from the sale of said land; which bond and the security therein proposed shall be approved of by said county court of Bourbon county, and shall be recorded in the clerk's office of said court. And the said heirs, their guardian or guardians, or either of them, shall have the right to commence any suit or suits, either in law or equity, that may be necessary for the recovery of all such damages as may be sustained by said heirs, in consequence of the breach or breaches of any of the conditions of the above recited bond.

Commissioner to give bond & security.

Condition.

May be sued on for a violation of the condition thereof.

And whereas it is further represented, that Israel Tully, deceased, late of Fleming county, died possessed of a tract of land, situate in said county, containing about four hundred and seventy-three and three quarter acres, and that in his lifetime he became bound as the security of James R. Higgins, who has left this state, and that the administrators have fully administered all of the personal estate and slaves of said decedent, and there yet remains due from said Tully, as security as aforesaid, a sum of between three and four thousand dollars, and that there are suits now depending in the Fleming circuit court against the heirs (some of whom are infants) and administrators of said Tully, and will in all probability at the next term of said court recover judgment against them, and the said land will be sold by

Tully's heirs.

Recital.

the sheriff, which will tend greatly to the injury and prejudice of said heirs: Wherefore,

Comm'rs. appointed to sell and conveythe real estate of I. Tully.

Sec. 3. That Roley S. Porter and Thomas Jones, the administrators of said Israel Tully, deceased, be, and they are hereby authorised to sell the said tract of land, to the highest and best bidder, at a credit of six, nine and eighteen months, taking from the purchaser negotiable notes, with approved indorsers, payable either at the Washington branch bank or at the Bank of Flemingsburg: *Provided, however*, that no sale shall take place until they shall first advertise the time and place of sale ten days at the court-house doors in the towns of Washington and Flemingsburg, and at some public house in Maysslick, and have executed bond and sufficient security, in the clerk's office of the Fleming county court, in the penal sum of ten thousand dollars, conditioned for the faithful execution of this act, and payable to the commonwealth of Kentucky; which bond may be put in suit by any person interested therein, and said security shall be approved of by said clerk.

To give notice of sale.

Give bond and security.

Condition thereof.

To pay over to the creditors the proceeds, & the balance, if any, to the heirs of Tully.

Sec. 4. It shall be the duty of the said Roley S. Porter and Thomas Jones to pay over to the creditors of said Tully the full amount of their claims, so soon as they may receive the same; and if any balance may remain in their hands, the same shall be paid over to the heirs and legal representatives of said Israel Tully, deceased, in equal shares; and they shall have full power and authority to execute a deed in fee simple to the purchaser, upon receiving full payment therefor, for and on behalf of the said infant heirs; which said deed of conveyance shall as effectually pass all the estate, right, title and interest of said infant heirs, as if they were over the age of twenty-one years, and were to execute the same themselves; and the heirs of said Tully, over the age of twenty-one years, shall join in the conveyance to the purchaser: *Provided, however*, that said tract of land is to be sold subject to the dowry right of the widow of said Israel Tully, deceased.

Legal effect of conveyance.

Proviso.

CHAP. CCCXXIX.

An ACT for the benefit of John Woods, of Mercer County.

Approved January 21, 1819.

BE it enacted by the General Assembly of the Commonwealth of Kentucky, That the auditor of public accounts be, and he is hereby directed to issue a warrant on the treasurer, payable to John Woods, of Mercer county, for nineteen dollars, for attending the Mercer circuit court at their September term 1818, nine days, as elisor.

CHAP. CCCXXX.

An ACT to amend an act concerning certain Trespasses on Lands.

Approved January 21, 1819.

Construction to be given to the above recited act.

BE it enacted by the General Assembly of the Commonwealth of Kentucky, That the act entitled "an act concerning trespasses on lands," shall not be so construed as to extend to any person, unless he is a wilful trespasser upon the lands of another.

CHAP. CCCXXXI.

An ACT for the benefit of Daniel and Anthony Owsley, Jacob Boyer and Samuel Ross.

Approved January 21, 1819.

Preamble.

WHEREAS it is represented to the general assembly of the commonwealth of Kentucky, that Daniel Owsley and Anthony Owsley, Jacob Boyer and Samuel Ross, have expended much labor and money in digging for salt water, the former on Dick's river, in Lincoln county, and the latter on a branch of Dick's river, in Garrard county, about two miles from said Owsleys'; and it is deemed proper to encourage such laudable undertakings: Therefore,

Messrs. Owsleys permitted to appropriate 1000 acres of land for salt-works.

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the said Daniel and Anthony Owsley be, and they are hereby permitted to enter one thousand acres of the vacant and unappropriated lands of this commonwealth, lying within five miles of their salt well, with the surveyor of Lincoln county, who is hereby authorised to survey the same as in other cases.

Boyer & Ross may appropriate 1000 acres for same purpose.

Sec. 2. *Be it further enacted*, That Jacob Boyer and Samuel Ross be, and they are hereby permitted to enter one thousand acres of the vacant and unappropriated lands of this commonwealth, lying within five miles of their salt well, with the surveyor of Lincoln county for what land lies in said county, and with the surveyor of Garrard county for what they appropriate in said county, who are hereby authorised to survey the same as in other cases. And the register of the land-office is hereby authorised to issue to the said Daniel and Anthony Owsley, and to the said Jacob Boyer and Samuel Ross, a patent for the same: *Provided*, they shall within two years from the passage of this act, produce to him the treasurer's receipt for the payment of one hundred dollars for each thousand acres; but nothing in this act shall in any manner affect any claim or claims which may have originated at the time of making the entry aforesaid.

Register to issue grants therefor.

Consideration.

Proviso.

Proviso.

Sec. 3. *Be it further enacted*, That the parties above named are completely to understand, that they are not to appropriate any land which lies nearer or more convenient to the well of the other.

CHAP. CCCXXXII.

An ACT for the benefit of Edward Maxey and John Wilson.

Approved January 21, 1819.

E. Maxey.

SEC. 1. *BE it enacted by the General Assembly of the Commonwealth of Kentucky*, That the register of the land-office is hereby directed and re-

quired to correct the survey, registered in his office, made by virtue of certificate No. 1399, and likewise to correct the patent which emanated upon said survey the fourth day of September 1818, so as to cause the call of the third line of said survey and patent to read thus, to wit: North, thirty degrees east, one hundred and seventy-nine poles, to a poplar and dogwood; and that the register of the land-office is hereby required to receive the note made by E. M. Covington, the surveyor of Warren county, as his guide in said correction, which note is subjoined to a copy of survey signed by said Covington.

J. Wilson.

Sec. 2. *Be it further enacted*, That inasmuch as the register of the land-office issued to John Wilson, assignee of William Campbell, a patent for sixty acres of land, on the 27th day of January, 1818, on a removed Christian county court certificate, No. 1129, on a survey which was incorrect, owing to a mistake of the surveyor; the said patent issued as aforesaid is hereby made void, and the surveyor of Christian county is permitted and authorised to correct his mistake, by re-surveying the said land, if necessary; and the register shall receive the corrected, or re-survey, and issue a patent for said land, the same as if one never had issued. Nothing herein contained shall be construed to affect or destroy the entry on which the said patent issued.

Sec. 3. *Be it further enacted*, That the surveyor aforesaid shall not, by virtue of this act, survey any other land than that intended to be covered by the said patent; and nothing herein contained shall affect or in any way prejudice the title which other persons may have to said land.

CHAP. CCCXXXIII.

An ACT to incorporate the Trustees of the Centre College of Kentucky, at Danville.

Approved January 21, 1819.

Sec. 1. *BE it enacted by the General Assembly of the Commonwealth of Kentucky*, That the char-

ter of the Danville academy be, and the same is hereby repealed; and the funds of said academy, the lot of ground lately purchased for the site of a college, near the town of Danville, and the monies lately subscribed and payable to certain persons, styled the building committee, shall be, and they are hereby vested in Isaac Shelby, John Boyle, William Owsley, Thomas Montgomery, Samuel M'Kee, William Craig, Thomas Cleland, Barnabas M'Henry, Samuel K. Nelson, Nathan H. Hall, Joshua Fry, James Birney, Joshua Barbee, James Barbour, David G. Cowan, John Bowman, Ephraim M'Dowell, Jeremiah Briscoe and Jeremiah Fisher, and their successors, who are hereby created a body corporate, to be styled the Trustees of the Centre College of Kentucky, with full power to acquire, hold and transfer property, real and personal, make contracts, sue and be sued, plead and be impleaded, in their corporate capacity; to make, have and use a common seal, and the same to break, alter or destroy at pleasure. But it is expressly declared, that the powers hereby given shall not be used in, or construed to extend to the contracting for, or acquiring any property, real, personal or mixed, or for dealing any otherwise than in such things as may be necessary and proper for the purposes of a seminary of learning, and the whole property and estate of the said corporation shall be applied exclusively and solely to that purpose; and said corporation shall not deal in exchange, discount of notes, or in [any] commercial business or pursuit.

The charter of the Danville academy repealed, & the funds vested in the trustees of the Centre College of Kentucky.

Names of the trustees appointed.

Style of incorporation.

Usual powers granted.

Banking powers prohibited, and their privileges defined.

Sec. 2. *Be it further enacted*, That the Centre College of Kentucky shall be located within one half mile of the town of Danville; and all the monies, funds and estate hereby vested in the trustees thereof, or which may be hereafter acquired by them in their corporate capacity, shall be held, used and employed for corporate purposes only.

Site of the college.

Sec. 3. *Be it further enacted*, That the before named trustees shall have power to fill all vacancies in their own body, appoint a chairman of their board, and to appoint a president and pro-

Trustees to fill vacancies, and appoint officers, &c.

fessors, and such other officers and servants under them, as they may deem necessary and proper, to hold their offices under such rules and regulations as the said trustees may prescribe, and to make, allow and pay to the president, professors and other officers and servants such reasonable compensation for their services as to the said trustees may seem right and proper. And the said trustees shall have full power and authority to make by-laws, rules and regulations for the better government of said college, as they may judge expedient, and the same to annul, alter or amend at pleasure: *Provided*, said by-laws, rules and regulations be not repugnant to the laws of this commonwealth, nor inconsistent with the principles laid down in this act as fundamental laws for the government of said college. And the said trustees shall have full power and authority to do and perform any lawful matter and thing which they may deem conducive to the good of the institution, and consistent with the state of the funds thereof.

Fundamental laws of the college.

Sec. 4. *Be it further enacted*, That the following principles and rules be the fundamental laws of the said corporation:

First—The said trustees and other officers, before they enter upon the duties of their offices, respectively, shall severally take the following oath or affirmation, before some court of record or justice of the peace, to wit: I, A. B. do solemnly swear (or affirm) that I will, to the best of my skill and judgment, discharge the duties of ——— in the Centre College of Kentucky.

Second—A majority of the trustees shall constitute a board competent to make *pro tempore* appointments, and the transaction of all business, except the permanent appointment or removal of officers, in which case the concurrence of two-thirds of the whole board shall be necessary.

Third—No religious doctrines peculiar to any one sect of Christians, shall be inculcated by any professor in said college.

Fourth—Whenever the legislature shall find it expedient to adopt the said college as a state institution, and endow it, in aid of the funds which

shall have been furnished by private donation, it shall thereafter be subject to such laws and regulations as may be enacted for the government of the same.

First meeting of trustees.

Sec. 5. *Be it further enacted*, That the first meeting of the trustees hereby appointed, shall be held at the tavern of Elizabeth Davenport, in Danville, on the first day of February next, or so soon thereafter as may be convenient; and the said trustees shall have at least one stated meeting in every year. And should any trustee hereby appointed, or hereafter to be chosen, refuse to serve, or fail to qualify for the space of six months after notification of his appointment, or after qualification shall fail to attend the meeting of the board for the term of one year, the seat of such trustee or trustees may be declared by the board to be vacant, and they may proceed to fill the vacancy as herein provided.

Trustees to have at least one annual meeting.

May vacate the seats of those who fail to attend or qualify for one year, & fill the vacancy.

Proviso.

Nothing herein contained shall be so construed as to take away the right which the legislature possess to repeal, alter or amend this charter.

CHAP. CCCXXXIV.

An ACT for the benefit of Charles C. Carson.

Approved January 21, 1819.

Recital.

WHEREAS it is represented to the present general assembly of the commonwealth of Kentucky, that Charles C. Carson, of Rockcastle county, in the year 1816, was appointed commissioner of part of the turnpike and wilderness road, by the manager or superintender of said road, and that said Carson necessarily expended, in labor and other necessaries on said road, the sum of three hundred and thirty-seven dollars twenty-seven and one-fourth cents, and exhibited his bill to said manager, who refused the payment of forty dollars, part and the balance of said Carson's bill; and whereas it is deemed reasonable and just the said Carson should be paid the balance of his bill, it being the sum of forty dollars: For remedy whereof,

The keeper of the wilderness road directed to pay Carson the amount of his account.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the keeper of the turnpike on the turnpike and wilderness road, is authorised and directed, upon the application of the said Charles C. Carson, to pay over to him the sum of forty dollars, the balance of his bill, and take his receipt therefor, out of any money in the keeper's hands not otherwise appropriated, any law to the contrary notwithstanding.

CHAP. CCCXXXV.

An ACT for the benefit of Nancy Godby, Patsey Lawrence and others.

Approved January 21, 1819.

Recital.

WHEREAS it is represented to the present general assembly, that Nancy Godby, of the county of Pulaski, widow of John Godby, deceased, is poor and has six small children, and through affliction is unable to maintain them: Therefore,

Donation of 50 acres of land to Nancy Godby.

How to descend.

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That it shall and may be lawful for the register of the land-office, upon application of said Nancy Godby, to issue to her a land warrant for fifty acres, without pay, which shall be located upon the land which she now lives on, so as to include her improvement, not interfering with any prior claim—to hold said land during her life, and then descend to the lawful heirs of said John Godby; and upon her producing to the register the plat and certificate of survey, he shall issue a grant as in other cases, without fee therefor.

Register to issue a grant for 200 acres to the heirs of J. Lawrence.

Proviso.

Sec. 2. *Be it further enacted*, That the register of the land-office be, and he is hereby authorised to issue a grant to the heirs of James Lawrence, deceased, namely, Nancy, Sally and Joicy Lawrence, for two hundred acres of land, in Pulaski county, upon certificate No. 703, without the balance of the state price being paid thereon: *Provided, however*, that Patsey Lawrence, widow of said James Lawrence, shall be entitled to her dower in said land.

Donation of 50 acres to Thos. Bryant.

Sec. 3. *Be it further enacted*, That upon application of Thomas Bryant, of Pulaski county, to the register of the land-office, it shall and may be lawful for him to issue a land warrant to said Bryant, for fifty acres, without pay, which may be located upon the land on which he now lives, so as not to interfere with any prior claim; and upon the said Bryant producing to the register the plat and certificate of survey, he shall issue a grant as in other cases, without fee therefor.

Donation of 100 acres to Polly M'Manis

Proviso.

Sec. 4. *Be it further enacted*, That the register of the land-office is authorised and directed to issue a land warrant to Polly M'Manis, for one hundred acres of land, without the auditor's quietus for the state price being paid for the same: *Provided*, that the said warrant shall not be located on any land south or west of the Tennessee river.

CHAP. CCCXXXVI.

An ACT to amend an act entitled "an act to amend the act concerning the importation and emancipation of Slaves," approved February 8, 1815.

Approved January 21, 1819.

One year longer allowed to take the oath required by the above recited act, by persons bringing slaves into this state.

BE it enacted by the General Assembly of the Commonwealth of Kentucky, That where any person has unintentionally failed to take the oaths, or either of them, prescribed by the act aforesaid, of which affidavit shall be made before some justice of the peace, it shall be lawful for such person, within one year from the passage of this act, to take such oath or oaths, which shall discharge such person from all and every penalty incurred by reason of any unintentional failure as aforesaid.

CHAP. CCCXXXVII.

An ACT for the relief of Charles Willott, sen. Patrick Gilmore and others.

Approved January 25, 1819.

Register to issue a warrant for 100 acres, to Willott.

SEC. 1. *BE it enacted by the General Assembly of the Commonwealth of Kentucky*, That the register of the land-office be, and he is hereby authorised and directed to issue a land warrant in favor of Charles Willott, sen. of Mason county, for one hundred acres of land, without the auditor's quietus therefor.

200 to Gilmore

Sec. 2. *Be it further enacted*, That the register of the land-office is hereby authorised and directed to issue a land warrant to Patrick Gilmore, of Warren county, for two hundred acres.

150 to Henderson.

Sec. 3. *Be it further enacted*, That the register of the land-office be, and he is hereby authorised to issue a land warrant in favor of Alexander Henderson, of Rockcastle county, for one hundred and fifty acres of land; also a warrant for one hundred acres, in favor of ———, the wife of Frederick Ott, deceased, of said county, upon the county court of Rockcastle certifying to the register the given name of the widow of said Frederick Ott: *Provided, however*, that neither of the said warrants shall be located on any land south or west of the Tennessee river.

100 to Ott.

Proviso.

CHAP. CCCXXXVIII.

An ACT to release the State's claim to Salt Water in certain cases.

Approved January 25, 1819.

Preamble.

WHEREAS laws have been heretofore enacted, giving to companies and individuals the right to appropriate vacant lands, upon certain conditions, for the benefit of salt-works, reserving the salt water to the commonwealth; and it appearing just and right that the procuring salt water should be left to individual enterprize: Therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That so much of any law or laws as reserves to the state salt water, in the above recited acts of the general assembly, shall be, and the same is hereby repealed; and the right of the commonwealth to salt water in all such cases, shall be, and is hereby vested in the companies or individuals for whose benefit the said laws were enacted, any law to the contrary notwithstanding. Laws reserving to state, salt water, repealed.

CHAP. CCCXXXIX.

An ACT to incorporate the Bowling-Green Bridge Company.

Approved January 25, 1819.

WHEREAS it is represented to the present general assembly, that an association has been formed at Bowling-Green, for building a bridge across Big Barren river; that the company so formed have raised by subscription the sum of twenty-three thousand dollars, and contracted for the erection of said bridge at said price, and have commenced the same, and that they will not be able to effect the said object without an act of incorporation; and that the said bridge, if erected, will be of great public utility: Recital.

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That for the purpose of erecting said bridge, it shall be lawful to raise by subscription, including that already subscribed, a stock not exceeding twenty-five thousand dollars, to be composed of shares of one hundred dollars each. Amount of stock.

Sec. 2. *Be it further enacted*, That Alexander Graham, John Loving, Benjamin Vance, Robert F. Staughter and John Maxey, be, and they are hereby appointed directors to the said company, until the first Monday in March next. Directors.

Sec. 3. *Be it further enacted*, That the subscribers of the said stock, their legal representatives, successors and assigns, shall be, and they are hereby constituted and made a body politic Subscribers incorporated.

and corporate, to be called and known by the name of the Bowling-Green Bridge Company, and by that name may sue and be sued, implead and be impleaded, and do and suffer all acts, matters and things which a body corporate may lawfully do and suffer, and may have a common seal, and the same may break and alter at pleasure, and also ordain, establish and put in execution such by-laws, ordinances and regulations as to them shall seem necessary and convenient for the government and well-being of the said corporation, and for carrying into effect the object of their institution, not being contrary to the constitution and laws of this commonwealth; and generally, to do and execute all and singular such acts, matters and things as to them shall or may appertain.

Books for additional stock not to be opened, unless a majority of the stockholders allow it.

Sec. 4. *Be it further enacted*, That the additional stock hereby authorised, shall not be subscribed for, unless allowed by a majority of the stockholders; and when the same shall be agreed to by a majority of the holders of the present stock, books for that purpose may be opened under the direction of the five directors appointed or to be appointed in conformity to the provisions of this act.

Annual meeting.

Sec. 5. *Be it further enacted*, That there shall annually be a meeting of said company on the first Monday in March, or such other day as said company may direct by their by-laws, for the purpose of choosing five directors, and for the transacting of any other business appertaining to the nature and object of the institution of the said company.

Meeting may be called.

Proviso.

Sec. 6. *Be it further enacted*, That a meeting of said company may at any time be called by a majority of the directors, or by one third of the members of the company, or by the proprietors of one third of the shares: *Provided*, that no called meeting be legal or valid, or capable of transacting business, unless a quorum shall be formed, consisting of a majority of the members of said company, or of the proprietors of at least two thirds of the shares.

Sec. 7. *Be it further enacted*, That in all meetings of the company, the votes shall be taken by shares, each share being entitled to one vote. Shareholders may appear and vote by proxy, provided the proxy be appointed by writing, and the writing be produced to the company. Manner of voting.

Sec. 8. *Be it further enacted*, That the directors appointed by this act, and those which may hereafter be appointed, shall respectively continue in office until their successors are chosen or appointed. They shall have power to fill any vacancy that may happen in their own body, and may from time to time appoint one of their own body to preside. Their powers and duties shall be prescribed by the company. How long directors to continue in office. Vacancies, how filled.

Sec. 9. *Be it further enacted*, That the shares in the said company shall be considered personal estate, and shall be transferable by assignment in writing, to be executed, authenticated and registered as the said company may prescribe and direct in their by-laws. Shares may be transferred.

Sec. 10. *Be it further enacted*, That the amount of each share shall be paid in such instalments as the said company have or may by themselves or their directors prescribe. If the instalments required on any share shall not be paid at the time prescribed, the directors shall have power, on giving two weeks notice in the newspaper which may be published in Bowling-Green, and if none, by publishing the same at the court-house door in said town for said space of two weeks, and giving such shareholder, if a resident of the county of Warren, two weeks notice in writing, to sell by public auction all the right and interest of the holder or proprietor in such share; and if the shares so disposed of shall sell for more than the amount of the instalment or instalments due upon it, the overplus shall be held by the company at the disposal of such delinquent proprietor. Shares to be paid in instalments. Shares to be sold, if the instalments are not paid.

Sec. 11. *Be it further enacted*, That the said company are hereby authorised and empowered to erect and build, or cause to be erected and built, over Big Barren river, from the termination of main North street in the town of Bowling-Green, to the opposite bank, and over the bottom Bridge, where to be built, & how.

to the hill above high water mark, a good and sufficient bridge, adequate for the passage of travellers, carriages, horses and cattle: *Provided*, said bridge shall not contain more than one pier or pillar in the channel of the river, and which shall not be less than fifty feet high from its foundation. The said company are further empowered and authorised, if to them it shall seem necessary for the aforesaid purpose, to sue out from the county court of Warren, a writ or writs of *ad quod damnum*, for the purpose of condemning as much ground, on either or both sides of said river, as may be necessary to secure the abutments and foundations of said bridge. Upon the execution of such writ or writs, the jurors shall view the ground requested to be condemned, and if in their opinion it shall be necessary to condemn said ground for the erection of said bridge, they shall say so by their inquest, and lay off and designate said ground, and assess the value thereof; which inquest shall be returned to the county court of Warren, and recorded; upon which, if the said company pay unto the said court the value of the lands so assessed by the jury, it shall vest the said land in said company in fee simple; and upon the money being so paid into court, the said court shall cause the money to be paid to the person in possession of said ground as proprietor, upon his giving bond with approved security, in the penalty at least double the amount, conditioned to pay the said money, with lawful interest thereon, to any person who may thereafter prove to have a better title to said ground.

Writ of ad quod damnum.

Inquest to be returned and recorded.

Damages to be paid.

Sec. 12. *Be it further enacted*, That so soon as said bridge shall be completed and made passable, the said company shall be authorised to demand and receive, by their proper agents, servants or officers, the following tolls for passing said bridge, to wit:

Rates of toll.

	CENTS.
For every person above seven years old,	$6\frac{1}{4}$
For every horse, mare, colt or mule,	$6\frac{1}{4}$
For every waggon,	50
For every cart,	$37\frac{1}{2}$
For every riding carriage with 4 wheels,	50

For every riding carriage with 2 wheels,	37½
For every head of neat cattle,	2
For every head of goats, sheep or hogs,	1
For every hogshead of tobacco rolled or carried across, not being in a waggon or cart.	25
For every dray, sleigh or slide,	25

Provided, however, the following persons shall pass free of toll, on the following occasions, viz. All public messengers and expresses, the citizens of Warren county resident on the north side of said river, on the first day of their circuit and county courts, and on all days of election for the legislature of the state. Who may pass free of toll.

Sec. 13. *Be it further enacted*, That the said company may acquire, by erecting or purchase, a toll-house, and for that purpose may purchase a lot of ground, not exceeding one half acre. They shall keep posted up on some conspicuous part of said bridge, or where the tolls are collected, a printed list of the tolls allowed by law, under the penalty of one dollar for each day's neglect of such duty. May purchase or erect a toll-house. List of tolls to be kept up.

Sec. 14. *Be it further enacted*, That if the said bridge shall not be completed within two years from and after the first day of June next, or if it should at any time thereafter remain for two years together so much out of repair as to be unsafe for travelling, then and in that case all the privileges and immunities by this act granted to the said company, shall cease, determine and become forfeited. Bridge, when to be completed.

Sec. 15. *Be it further enacted*, That half yearly, on the first days of January and July, a dividend shall be made among the shareholders, of the profits of said bridge, or at such other times as a majority of said company may appoint and direct. Dividends.

Sec. 16. *Be it further enacted*, That the said company, and in case the corporation is not sufficient, then the individuals owning stock in the said corporation, shall be liable to pay the proprietor of any boat or other craft, and the proprietor of all produce and other merchandize or property shipped or put on board any boat or Stockholders liable for produce that may be lost by the pillar.

craft, for the purpose of descending said river, all damage which the proprietor of such boat, craft, produce, merchandize or property may sustain in consequence of the erection of said pillar in said river: *Provided*, such damage be not occasioned by the negligence of the proprietor, or the hands employed in the navigation of the boat or other craft descending the said river.

Proviso.

President and directors to give bond.

Sec. 17. *Be it further enacted*, That the said company, by the president and directors thereof, shall annually, on the first Monday in June, enter into bond with security, to be approved of by the Warren circuit court, at the first spring term, in a penalty not less than twenty thousand dollars; which bond shall be given to the commonwealth of Kentucky, and shall be filed with the clerk of said court, conditioned well and truly to pay all damages and costs which the said company, or the individuals holding stock therein, may be subject to, under the provisions of this act; which said bond shall not be void on the first recovery, but may be put in suit from time to time by any and all persons, to recover all damages sustained by the erection of said bridge: *Provided*, that nothing herein contained shall be construed to make the said directors or shareholders liable for any damage above contemplated, unless the person having the control of any such craft, boat or vessel which may be injured by said pillar, shall have previously required of the said directors, or their agent, a pilot to conduct such craft, boat or vessel past said pillar, and the said directors, or their agent, shall have refused or neglected to furnish such pilot, within reasonable time after such application.

Condition.

Proviso.

Agent to reside at toll-house.

Sec. 18. *Be it further enacted*, That the agent of the said company shall constantly reside at the toll-house of said company, at which place the demand shall be made.

Company to keep space between the pillars clear of drift-wood.

Sec. 19. *Be it further enacted*, That the said company shall keep the space between the pillar in the river and each bank, clear of all drift-wood at all times; and the said company shall be liable for all damages occasioned by any drift-

wood permitted to remain between either bank and the pillar in the river, or above the pillar and lodged against it.

CHAP. CCCXL.

An ACT further to indulge the Settlers on the Lands acquired by the Treaty of Tellico to pay the State price on their claims.

Approved January 25, 1819.

BE it enacted by the General Assembly of the Commonwealth of Kentucky, That the act entitled "an act to amend the law authorising the appropriation of the lands acquired by the treaty of Tellico," approved January the 3d, 1818, be, and the same is continued in force until the 6th day of January 1820.

CHAP. CCCXLI.

An ACT for the division of Knox County.

Approved January 28, 1819.

SEC. 1. *BE it enacted by the General Assembly of the Commonwealth of Kentucky,* That from and after the first day of April next, all that part of the county of Knox, contained in the following bounds, to wit: Beginning at Cumberland Gap, on the Virginia state line, and running thence in a direct line to the mouth of Straight creek; and thence a due north course to the present line of Knox county, and with the same, including all the heads of Cumberland river; and thence with the present line of Knox county to the beginning, shall be one distinct county, called and known by the name of HARLAN. Boundary of Harlan county.

Sec. 2. The justices of the peace for the county of Harlan, shall meet at the dwelling-house of Samuel Howard, on the fourth Monday in April next, and after taking the necessary oaths of office, and qualifying their sheriff, agreeable to the constitution of the United States and this state, and as required by law, they shall proceed to elect First county court, when & where held. To qualify a sheriff & clerk

a clerk, to whose permanent appointment it shall be necessary for a majority of all the justices in commission for said county to concur; but if such majority cannot be obtained in favor of any one, then the court shall appoint a clerk *pro tempore.*

Time of holding courts.

Sec. 3. The county court of Harlan county shall commence on the fourth Monday in each month, except the months in which the circuit court for Harlan county shall be holden; and the circuit court for said county shall commence on the second Monday subsequent to the fourth Monday in April, July and October, and may, if necessary, continue to sit six days. The county of Harlan shall form a part of the twelfth judicial district.

Attached to 12th judicial district.

Jurisdiction of courts and justices of Knox county.

Sec. 4. The circuit and county courts, and justices of the peace in Knox county, from which the county of Harlan is taken, shall have jurisdiction over all matters instituted prior to the commencement of this act.

Officers of Knox to make collections, execute process, &c. until this act takes effect

Sec. 5. It shall be lawful for the sheriffs and collectors in the said county of Knox, to collect all fines and money, and to execute all process, writs and executions, as the law directs, which were put into their hands previous to the commencement of this act, and account for the same, as if this act had not passed.

Com'rs. of tax to be appointed.

Sec. 6. The county court of Knox shall appoint commissioners of the tax in Harlan county, for the year 1819, who shall do the duty, and be governed by the laws regulating commissioners of the tax in this state; and the clerk of Harlan county shall in like manner perform his duty in relation thereto.

Justices to fix seat of justice. To erect public buildings.

Sec. 7. The county court of Harlan county shall, at their first court, or as soon thereafter as convenient, proceed to fix upon a place for the permanent seat of justice for the aforesaid county, a majority of all the justices of said county concurring therein; and the said court shall, as soon as may be, cause the necessary public buildings to be erected, and in every other respect lay off and do that which may be necessary or required by law in the general establishment of towns.

Place of holding courts until

The courts for said county shall be holden at said

Samuel Howard's, until the place for the seat of justice shall be fixed upon.

the seat of justice is fixed on

Sec. 8. The county of Harlan shall be an election precinct of Knox county, and the votes taken therein shall be compared at Barboursville, on the sixth day after the commencement of the election, by the sheriffs of Knox and Harlan counties. The county court of Harlan county shall appoint a clerk and judges to the election, as is required by law regulating elections in this state.

Harlan county to be an election precinct of Knox, and citizens to vote as heretofore, &c.

CHAP. CCCXLII.

An ACT for the erection of a new County out of the Counties of Logan, Warren and Allen.

Approved January 28, 1819.

Sec. 1. *BE it enacted by the General Assembly of the Commonwealth of Kentucky*, That from and after the first day of April next, so much of the counties of Logan, Warren and Allen as is contained in the following bounds, to wit: Beginning at the boundary line between this state and the state of Tennessee, at such point as will by running due north leave Scottsville in Allen county, twelve and a half miles due east at its nearest point, and continuing the course north to a point of termination from whence a line running due west will leave Bowling-Green at a distance of twelve and a half miles north, at its nearest point; and continue the said course west until it intersect the boundary dividing line between Logan county and Warren county; and thence with said dividing line, from the aforesaid point of intersection, along with the course of that line, to colonel Dougan's former residence; thence to Hugh M'Cutchin's; thence to Thomas Neal's, leaving the two last named houses in the present county of Logan; thence to a point midway between Bryan's spring and Robert May's present residence; thence due south to the state line, and with the state line to the beginning; and which said territory, comprised within the afore-

Simpson county established, and the boundary thereof.

said limits, shall form one distinct county, to be called and known as the county of SIMPSON.

Justices to meet in April, and qualify a sheriff & clerk.

Sec. 2. The justices of the peace for the county of Simpson, shall meet at the house of Randall Miller, on the fourth Monday of April next, and after taking the necessary oaths of office, and qualifying their sheriff, conformably to the constitution of the United States, and of the constitution and laws of this state, shall proceed to elect a clerk, to whose permanent appointment it shall be necessary for a majority of all the justices in commission to concur; but if such majority shall not concur in favor of any individual, then the court may appoint a clerk *pro tempore*.

Time of holding circuit and county courts.

Sec. 3. The county court in Simpson county shall commence on the fourth Monday in each month, and the circuit court shall commence on the first Mondays in May and November, and the Thursday after the first Monday in August, in each and every year, and may, if necessary, continue to sit six days.

A part of the 8th judicial district.

The county of Simpson shall form a part of the eighth judicial district, and the circuit judge assigned to that district shall attend and hold the circuit court for Simpson county.

The counties from which Simpson is formed to retain jurisdiction, till April next, over all matters pending in their several courts.

Sec. 4. The circuit and county courts, and justices of the peace in the counties of Logan, Warren and Allen, from which the county of Simpson has been taken, shall have jurisdiction over all matters pending in their several courts prior to the fourth Monday in April next, as fully, and to all purposes, as though this act had never passed.

Sheriffs, &c. of Logan, Warren and Allen to collect all dues, taxes, &c in the parts stricken off from their counties.

Sec. 5. It shall be the duty of all sheriffs and constables in the said counties of Logan, Warren and Allen, out of which the said county of Simpson is formed, to collect all monies and execute all process placed in their hands previous to the fourth Monday in April next, in the same manner as if this act had never passed.

County court to appoint commissioners of tax.

Sec. 6. The county court of Simpson county shall appoint commissioners of the tax in said county for the year 1819, who shall perform the duty, and be governed by the laws regulating commissioners of the tax in this state; and the

clerk of Simpson county shall in like manner perform his duty in relation thereto.

And cause the necessary public buildings to be erected and town laid off, &c.

Sec. 7. The county court of Simpson county, as soon as practicable after the seat of justice is designated, shall cause the necessary public buildings to be erected, and the town to be laid off and established, and do every other matter in relation to that subject, which by law county courts are authorised to do. And Samuel Murrell, of Barren county, John Cross, of Christian county, and Richard B. Dallam, of Butler county, are hereby appointed commissioners to select a place for the permanent seat of justice in said county; which said commissioners are enjoined to have a just regard to the most central, convenient and eligible site for that purpose; and having made such selection, it shall be the duty of the said commissioners, or a majority of them, to contract for, and purchase from the owner of the land on which the public buildings are proposed to be erected, a quantity of land not exceeding one hundred acres, and not less than fifty acres, and thereupon appropriate two acres as a public square, within which the public buildings shall be erected; and the remainder of the land so purchased shall be divided into convenient building lots, and exposed to sale to the highest bidder, on a credit of six and twelve months—due notice of said sale having been first given, by advertising the same at the place where the court of Simpson county is held, at least sixty days previous to the sales; and to secure the payment for said lots so provided to be sold, the purchaser shall enter into bond with two good and sufficient securities, obliging themselves to pay to the justices of the county of Simpson, and their successors in office, the amount of purchase money for which he or they may become indebted to the said county at the sales aforementioned; and the proceeds of such sale, over and above what may be necessary towards paying the price of the original purchase in behalf of the county aforesaid, shall be appropriated to the payment of the debt of the county incurred by the erection of public buildings. And in case either of the

Comm'rs. appointed to fix on seat of justice.

Their duty, &c

How to be regulated in regard to the public buildings, laying off the town and selling the lots

Proceeds of sales of lots, how appropriated.

Vacancies to be filled by the county court.

commissioners above named should die, or refuse to act, or remove out of the state, then in such event it shall be the duty of the justices of the county court, a majority of the whole number concurring therein, to appoint some discreet, judicious and fit person or persons to supply the vacancy of such commissioner or commissioners.

Voters in the county, where to vote for senators and representatives.

Sec. 8. And in all elections by the people, for senators and members of the house of representatives, the citizens of the several parts of Logan, Allen and Warren counties, who are stricken off from said counties for the purpose of forming the county of Simpson, shall nevertheless continue to vote in the several counties of which they now form a part, until otherwise provided by law.

Sales of lots to be managed by county court.

Sec. 9. The sale of the lots above mentioned shall be under the direction and management of the justices of the county court, and the proceeds thereof to be appropriated as aforesaid.

Compensation to comm'rs. to be paid out of sales of lots.

Sec. 10. And the commissioners appointed under the authority of this act, shall receive, as a compensation for the services they are required to perform, the sum of two dollars each per day, for every day they may be engaged in the performance of the duties which by this act they are enjoined to perform; and the amount of money for discharging the same, shall be provided for out of the first monies received on account of sales of the lots above mentioned.

Sheriffs of Logan, &c. to collect fee-bills, &c. in the part stricken off, for 1818.

Sec. 11. The sheriffs of the respective counties of Logan, Warren and Allen, shall, within their respective parts of the said county of Simpson, which belonged to their counties, have the same power and authority to receive and collect the revenue, levies and fee-bills, which may be due therein, or become due for the year 1818, as though this act had not passed.

County court to fix on the seat of justice, if the comm'rs fail to do it.

Sec. 12. That in case the said commissioners, or a majority of them, shall fail to perform the duties assigned by this act, in fixing and locating the seat of justice for said county, until the second Monday in August next, then it shall be lawful for the county court, a majority of all the justices concurring therein, to fix and locate the

seat of justice for said county, under the terms and regulations herein contained, vested in the said commissioners.

CHAP. CCCXLIII.

An ACT imposing a Tax on all Banking Houses not incorporated by this Commonwealth.

Approved January 28, 1819.

$ 60,000 per annum tax imposed on banking houses not incorporated by this state.

SEC. 1. *BE it enacted by the General Assembly of the Commonwealth of Kentucky,* That every person or persons, bodies corporate or politic, that have established, or shall hereafter establish any office of discount and deposite in this state, for the purposes of banking, or loaning money or bank notes on discounted bonds, bills or notes, or for the purchase of bills of exchange, which shall not be authorised by an act of incorporation granted by this commonwealth, shall pay a tax to the amount of sixty thousand dollars per annum, to be paid monthly to the officer authorised to receive the same. And the person or persons, bodies corporate or politic, that have established, or shall hereafter establish any such office of discount and deposite as aforesaid, shall pay five thousand dollars, on or before the fourth day of March next, and five thousand dollars on or before the fourth day of each calendar month thereafter, to the sergeant of the court of appeals; which said tax it shall be the duty of the sergeant of the court of appeals to receive, and pass his receipt therefor, and account for and pay the same into the public treasury, as other monies received under the revenue laws of this commonwealth; and the sergeant of the court of appeals shall be subject to the same penalties, and the same mode of recovery, in case of failure to pay over the same, as delinquent sheriffs under the revenue laws of this commonwealth.

To be paid monthly.

Commencing on 4th March next.

To be received by sergeant court of appeals, who is to pay the same into the treasury.

Proceedings against him for failure to pay over the tax.

Sec. 2. *Be it further enacted,* That the sergeant of the court of appeals shall collect and receive, each month, from all and every person chargeable therewith, the tax imposed by this act; and in

Sergeant of court of appeals authorised to break o-

pen and enter the banking house, vaults, &c.

Sergeant directed to distrain for the tax, if necessary, and sell the goods, &c. distrained.

case payment be not made or received on or before the fourth day of March next, and on or before the fourth day of each calendar month thereafter, it shall be the duty of the sergeant of the court of appeals to distrain the money, goods, chattels, rights, credits, choses in action or other property or effects of such person or persons, bodies corporate or politic, who shall be so indebted for the tax imposed by this act; and for the purpose of making such distress, the sergeant of the court of appeals, by himself or deputy, is hereby authorised to break and enter any outer door, or inside door, of such banking house or office of discount and deposite, or any vault, drawer, chest or box, in which money, goods, chattels, rights, credits, choses in action or other property or effects may be deposited or concealed; and if the owner or owners thereof shall not pay the taxes due, within ten days after such distress, the sergeant of the court of appeals shall sell, for ready money, the goods, chattels, rights, credits, choses in action or other property or effects so distrained, or so much thereof as shall be sufficient to discharge the said taxes, and the said charges for the distress and sale thereof. And should any force be used to prevent the sergeant of the court of appeals from discharging the duties required by this act, he is hereby authorised to summon as many of the citizens of this state as shall be necessary, to assist him in the discharge of his duty.

May summon assistance, if necessary.

Tax not to be collected, on certain conditions.

Sec. 3. *Be it further enacted*, That if the president and directors of the Bank of the United States, shall, before the fourth day of March next, inform the acting governor of their intention to recall and withdraw their offices of discount and deposite of said bank, located in this state, within six months from the passage of this act, the tax herein imposed shall not be enforced until the expiration of that term; when, if the said offices of discount and deposite are not withdrawn and removed out of this state, the accruing taxes which shall have become due within said term of six months, shall be collected and received, in the manner and under the regulations provided for

the collecting the taxes imposed by this act: *Provided, however*, that said offices of discount and deposite shall not, after the first day of March next, proceed to discount any notes or bills, (except to renew those already under discount) loan any money, purchase bills of exchange, sell checks or drafts, or do any other banking business in such offices of discount and deposite, except receive and disburse, or transmit the deposites of the revenue of the United States, and call in and collect their debts, and close their accounts. Proviso.

CHAP. CCCXLIV.

An ACT to extend the Madison and Clarke Circuit Courts, and altering the time of holding the Estill Circuit and County Courts.

Approved January 28, 1819.

SEC. 1. *BE it enacted by the General Assembly of the Commonwealth of Kentucky*, That the terms of the Estill circuit court shall commence on the third Mondays in the months of April, July and October, and continue six juridical days, if the business of said court shall require it; and all process and recognizances, entered into or made returnable to the said circuit courts, shall be considered as returnable to the next term to be holden therefor after the commencement of this act. Circuit courts of Estill.

SEC. 2. The county courts of the said county of Estill shall be holden on the same Mondays in every month on which the circuit courts are directed to be held, except those months in which the circuit courts are to be held by this act. County courts of Estill.

SEC. 3. The Madison and Clarke circuit courts shall each be allowed eighteen juridical days at each term. Madison and Clarke circuit courts.

SEC. 4. This act shall be in force from and after the first day of March next. Commencing clause.

CHAP. CCCXLV.

An ACT for the benefit of Thomas Hancock, of Pulaski County.

Approved January 28, 1819.

Recital.

WHEREAS it has been represented to this general assembly, that a certificate, No. 17, for two hundred acres of land within the Tellico boundary, was granted by the circuit court of Pulaski county to William Hays, who assigned the same for a valuable consideration to Thomas Hancock; which certificate so assigned has been lost:

The surveyor of Pulaski to survey certain land, and the register to issue a grant therefor to T. Hancock.

BE it enacted by the General Assembly of the Commonwealth of Kentucky, That it shall be lawful for the surveyor of Pulaski county, on the production of a copy of the above named certificate, attested by the clerk of said court, to go on the land described in said certificate, and survey the same in the name and for the benefit of Thomas Hancock, and make return of the plat and certificate of survey to the register of the land-office; whereupon the register, on the production of the auditor's quietus for the state price of said land, shall be authorised to issue a grant to the said Thomas Hancock for the same.

Proviso.

This act shall not be so construed as to affect the claim or claims of any individual whatever to the aforesaid land.

CHAP. CCCXLVI.

An ACT giving further time to Settlers on the Lands acquired by the Treaty of Tellico to return Plats and Certificates of Survey.

Approved January 28, 1819.

Time for returning plats, &c. extended three years.

BE it enacted by the General Assembly of the Commonwealth of Kentucky, That the further time of three years from the passage of this act, be allowed for the returning to the register's office of plats and certificates of surveys made on the lands acquired by the treaty of Tellico, under the acts of assembly of this commonwealth.

CHAP. CCCXLVII.

An ACT concerning the Town of Greensburg.

Approved January 28, 1819.

Trustees may levy and collect additional taxes.

BE it enacted by the General Assembly of the Commonwealth of Kentucky, That the trustees of the town of Greensburg, be, and they are hereby authorised to levy and collect the sum of three hundred and fifty dollars, annually, on the persons and property in the town of Greensburg, in addition to the sum now allowed by law; to be levied, collected and applied in the same manner as is directed by an act approved December the 21st, 1815, entitled "an act regulating the town of Greensburg."

CHAP. CCCXLVIII.

An ACT to regulate certain Towns in this Commonwealth.

Approved January 28, 1819.

Powers granted the trustees of Georgetown to open and make streets & alleys.

SEC. 1. *BE it enacted by the General Assembly of the Commonwealth of Kentucky*, That whenever the trustees of Georgetown shall wish to open any street or alley, through any part of the in or out lots of said town, and application shall be made to them for that purpose, it shall be lawful for said trustees to direct their chairman to issue his order, in the nature of a writ of *ad quod damnum*, directed to the sheriff of Scott county commanding him to summon twelve house-keepers of said county, to meet on the ground where said street or alley is proposed to be opened, and on a day to be named in said order; and the said persons so summoned shall be subject to the same rules, and governed by the same principles, and sworn in the same manner as other juries in similar cases; and if any of the persons so summoned shall fail to attend, without a reasonable excuse, they shall be subject to the same fines as other juries in similar cases, and the deficiency supplied from the by-standers; and any person whose ground will be affected in any manner by

Proceedings necessary in relation thereto.

the opening or extending of such street or alley, shall have reasonable notice of the meeting of said jurors; and it shall be the duty of said jurors to ascertain what damage any person will sustain, if such street or alley shall be opened; which inquest shall be sealed and returned to the board of trustees, who shall thereupon proceed to determine whether such street or alley shall be established; and if they shall establish the same, the damages so assessed shall be paid by the person or persons applying for the same, to the person or persons in whose favor the same shall be assessed, and such street or alley shall not be opened until the money so assessed shall be paid, and all expences attending the same.

Sec. 2. And when any street or alley shall be so established, and the damages paid as aforesaid, the said trustees shall have power to order the same to be opened, and the same shall be opened, kept open and in repair, in the same manner as the other streets and alleys in said town; and any person obstructing the same, shall be subject to the like penalties, to be recovered in the same manner, as for obstructing any other street or alley in said town.

Sec. 3. And whereas by an act passed on the 10th day of February, 1816, the trustees of Georgetown were authorised to commence a suit in chancery, for the purpose of establishing the boundaries of said town, by which recited act it was made necessary for the surveyor of Scott county to survey the said town, for the purpose of ascertaining the boundaries of said town: and it being represented to the present general assembly, that the trustees of said town have appointed a town surveyor: Therefore, it shall be lawful for the trustees of said town to have the same surveyed by the town surveyor, or his successor, if the judge of the Scott circuit court shall approve thereof; and any survey made by the said town surveyor, by order of said court, shall be as valid as if done by the surveyor of Scott county, and shall be used as evidence in any suit, in the same manner as if done by the surveyor of

Town surveyor of Georgetown authorised to make certain surveys.

said county, any thing in the said recited act to the contrary notwithstanding.

The citizens of Tompkinsville may elect seven trustees annually in May.

Sec. 4. *Be it further enacted*, That the citizens and owners of the lots in the town of Tompkinsville, may meet upon the first Monday in March annually, and elect seven trustees, owners of property, for said town; and until such election shall take place, the present trustees, who were appointed by the county court of Barren, and that may have been appointed by the board to fill vacancies, shall continue in office; and should such election be omitted to be held in any year, the former trustees shall remain in office, and have the power of filling vacancies that may happen, until such election shall be held. At the first election, a justice of the peace shall preside, and at each succeeding election, if any be present, and if none be present, the president of the former board shall preside.

Present trustees to continue in office until such election takes place.

First election to be conducted by a justice of the peace.

Powers of the trustees.

Sec. 5. The present trustees, and those that may be elected and appointed according to the above section, shall elect a president out of their own body, and fill his vacancy, in case of his absence or going out of office, whose duty it shall be to preside at all meetings of the board and sign the proceedings. They shall appoint a clerk out of their own body, whose duty it shall be to keep a fair record of their proceedings, to list and assess the value of the property of the town for taxation, and carry on prosecutions for all infractions of their laws: He shall receive such remuneration as may be allowed by the trustees. They shall also appoint a town officer, whose duty it shall be to collect all money that may be levied, or that may be receivable by the board, and pay them out according to their orders, and execute the orders of the trustees for improvements, and in all other respects. He shall be compensated out of the funds of the town, by the trustees.

Shall appoint a clerk.

His duty.

Appoint a town officer.

His duty.

Town surveyor to be appointed.

His duty and fees.

Sec. 6. The said trustees shall appoint a town surveyor, whose duty it shall be to survey, when called upon, the lots in said town, and fix the boundary; for which he shall be entitled to the sum of fifty cents, to be paid by the applicant,

for each lot so surveyed; but such survey shall not be final, until confirmed by the board of trustees, when it shall be recorded by the clerk in the book of the proceedings of the trustees.

Trustees and other officers to take an oath of office.

Sec. 7. The trustees hereafter elected or appointed, and the clerk, town officer and surveyor, shall each take an oath faithfully to perform the duties of their respective offices, before they perform any official act; and the town officer shall annually give bond, payable to the trustees, with one or more securities, in the penalty of double tho sum to be collected in that year, conditioned for the faithful discharge of the duties of his office according to law and ordinances of said trustees.

Town officer to give bond, &c.

Condition.

Trustees may levy and collect taxes, &c.

Sec. 8. The said trustees shall have power to levy and collect, annually, any sum not exceeding $ 3000, on the lots of said town and their improvements, according to their value, for the purpose of clearing out the streets and meeting such public improvements and buildings as they may judge proper. They shall also have power to suppress drunkenness, gambling and other disorderly behaviour in said town, by ordinances imposing penalties, not exceeding five dollars for each offence, recoverable before a justice of the peace, for the benefit of the town.

Trustees may sell and convey the unsold lots, and convey those already sold.

Sec. 9. The trustees now in office, shall exercise all the power of selling the lots in said town, not already sold, and of executing deeds of conveyance to them, and to the lots already sold, when evidence be adduced to them of the payment of the consideration for which said lots may have been sold, or the order of the proprietor, and execute all other powers given by this act, and originally possessed by them under the general laws, except levying tax, until an election as above provided may be had, when the powers shall be vested in those then elected.

The trustees, may levy taxes to keep the roads within half a mile of the town in repair, and the

Sec. 10. The citizens and titheables of said town shall not be required to labor on the streets, nor on the public roads, but the trustees shall keep all the roads coming into said town in repair, for the distance of half a mile from the public square; for which they shall be authorised to levy and collect off each person subject to work

on roads, any sum not exceeding seventy-five cents annually, which may be imposed by the trustees on those over age, those under age, and slaves, in such amounts, not exceeding seventy-five cents, as they may think proper; and the tax imposed on minors and slaves, shall be paid by those by whom they may be employed; and may also use for said purpose, the *ad valorem* tax. Citizens exempted from working on roads.

Sec. 11. All acts and parts of acts coming within the purview of this act, shall be, and they are hereby repealed; but the general laws concerning towns, not inconsistent with this act, shall remain in force in relation to said town. Repealing clause.

CHAP. CCCXLIX.

An ACT for the benefit of Conrad Baker, of Casey County.

Approved January 28, 1819.

WHEREAS it is represented to the present general assembly, that Conrad Baker, a citizen of Casey county, made application to the register of the land-office for a Kentucky land-office warrant, for fifty acres of land, and through mistake obtained a warrant in the name of William Pinker: For remedy whereof, Recital.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That upon the said Conrad Baker producing said warrant, together with the plat and certificate of survey, to the register of the land-office, he is hereby authorised and directed to issue a grant to the said Conrad Baker, in the same manner that he was authorised to have done, if said warrant and plat and certificate had been in Conrad Baker's name: *Provided, however*, that nothing herein contained shall be so construed as to affect any other claim to said land. Register authorised to issue a grant to Conrad Baker for 50 acres of land. Proviso.

CHAP. CCCL.

An ACT for the benefit of the devisees of John Curd, and the heirs of Price Curd.

Approved January 28, 1819.

Recital.

WHEREAS it is represented to the general assembly of the commonwealth of Kentucky, that a certain John Curd, did, many years since, depart this life, devising, by his last will and testament, duly executed, sundry tracts or parcels of land within this commonwealth, to his sons, James, John, Newton, Price, Daniel, Woodford and William Curd; and whereas it is further represented, that the said tracts or parcels of land, so as aforesaid devised, now belong to, and are the property of some of the said devisees, and of the infant heirs of the aforesaid Price Curd, and that the said tracts or parcels of land are dispersed and lie in many different counties, and that the title thereto is much disputed, and that the sale of said land would be beneficial to said devisees and heirs: Therefore,

Comm'rs. appointed to sell & convey lands

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That Woodford Curd and John Pryor be, and they are hereby appointed commissioners, with full power to sell, alien and convey all the tracts or parcels of land so as aforesaid devised and claimed, conveying to the purchaser or purchasers, as the case may be, the right and title of said devisees and heirs only, to said land: *Provided, nevertheless*, that the said commissioners shall, before they proceed to execute the powers herein delegated to them, execute, in the clerk's office of the county in which they severally reside, bond with security, to be approved of by said clerk, in the penalty of two thousand dollars each, conditioned for the faithful performance of their said duty; which bond shall be executed to said devisees and heirs.

To give bond and security.

Condition.

Bonds, to whom made payable.

Sec. 2. *Be it further enacted*, That it shall be the duty of the said commissioners to take the notes or bonds of the purchaser or purchasers of the land, payable to the persons for whose benefit the said notes or bonds may be executed.

CHAP. CCCLI.

An ACT to extend and alter the time of holding certain Circuit Courts.

Approved January 28, 1819.

Christian circuit court.

SEC. 1. *BE it enacted by the General Assembly of the Commonwealth of Kentucky*, That the Christian circuit court, at their next April term, and every term thereafter, shall continue eighteen juridical days, if the business of said court shall render it necessary.

Logan circuit court.

SEC. 2. *Be it further enacted*, That the time of holding the Logan circuit court, shall be, and is hereby altered, and that the same shall hereafter commence on the fourth Mondays in April, July and October, and continue at each term twelve juridical days, if the business of said court shall render it necessary.

Washington circuit court.

SEC. 3. *Be it further enacted*, That the circuit court for the county of Washington, shall hereafter sit on the second Monday in May, the second in August, and the first Monday in November in every year, and shall at each term sit twelve juridical days, if the business should require it; and that all process that is now, or shall be made returnable to the second Monday in April, shall be as good and valid to all intents and purposes, as if the said process had been originally returnable to the days set forth in this act; and that all acts and parts of acts, coming within the purview of this act, shall be, and the same are hereby repealed.

Process, &c. issued, made returnable to the terms as directed to be held by this act.

Repealing clause.

Rockcastle county court.

SEC. 4. *Be it further enacted*, That from and after the first day of May next, the county court of Rockcastle county, shall be held on the first Monday in every month, instead of the last Monday, as now directed by law, except the months in which the circuit courts for said county are directed to be held.

Fayette circuit court.

SEC. 5. So much of every act or acts as directs the holding of circuit courts in the county of Fayette, in the months of August and November in each year, [shall] be, and the same are hereby repealed: *Provided*, that the circuit judge of said circuit shall be, and he is hereby authorised to ap-

Proviso.

point circuit courts to be holden in and for the said county, for the trial of criminals and chancery causes, agreeably to the directions of the acts of assembly now in force.

Henry circuit court.

Sec. 6. The Henry circuit court, at their November term in each year hereafter, shall continue in session twelve juridical days, if the business before said court shall require it. And the Gallatin circuit court shall hereafter commence on the third Monday in November in every year, and continue in session as heretofore: *Provided also*, that this act shall not be so construed as to alter the time of holding the county courts in said county.

Gallatin circuit court.

Proviso.

Duty of the officers of the several courts.

Process, &c. not affected by the alteration.

Sec. 7. The officers of said courts are hereby required to perform their respective duties. No suit, writ, recognizance, process or motion, pending, or hereafter brought before said courts, shall be in anywise affected, but the same shall be and remain as effectual and valid as if this act had not passed; nor shall any thing herein contained alter the time of holding the county court for the county of Logan.

CHAP. CCCLII.

An ACT for the erection of the County of Hart, out of the Counties of Barren and Hardin.

Approved January 28, 1819.

Boundary of Hart county.

Sec. 1. *BE it enacted by the General Assembly of the Commonwealth of Kentucky*, That from and after the first day of April next, so much of the counties of Barren and Hardin as is included within the following boundary, to wit: Beginning at the mouth of Little Barren river, running thence up the same to the Elk lick; thence with the Green county line four miles and one half; thence a straight line to a point ten miles and one half due north of Barren court-house; thence a due west line to the Warren county line; thence with the same to Green river; thence down Green river to the mouth of Nolin creek; thence up the same to the mouth of Jacob Miller's

spring branch; thence a straight line to Benjamin Martin's old place, where —— Raglin now lives, leaving the same in the new county, and the same course continued to Green county line; thence with the same to Green river; thence up the same to the beginning; shall be one distinct county, to be called and known by the name of HART.

Time & place of holding the first county court.

Sec. 2. The justices of the peace for the county of Hart, shall meet at the house of Thomas Woodson, on the second Monday in April next, and after taking the necessary oaths of office, and qualifying their sheriff according to law, they shall proceed to elect a clerk, to whose permanent appointment it shall be necessary for a majority of all the justices in commission for said county to concur; but if such majority cannot be obtained in favor of any one, then the court shall appoint a clerk *pro tempore*.

To qualify a sheriff and elect a clerk.

Time of holding courts.

Sec. 3. The county court of Hart shall commence on the first Monday in each month, except those in which circuit courts are hold. The circuit courts for the county of Hart shall commence on the first Mondays in April, July and October in each year, and may sit at each term six judicial days, if the business require it. The county of Hart shall form a part of the 8th judicial district; and the circuit judge assigned to that district, shall attend and hold the circuit court for Hart county. And the circuit court for Hart county shall be held at the house of Elijah Creel, until a court-house is provided by the county court.

Length of terms.

Attached to 8th judicial district.

Circuit court to be held at Elijah Creel's.

Powers of the courts and officers of the counties from which Hart is taken, as to collecting taxes, fees, and executing process.

Sec. 4. The circuit and county courts, and justices of the peace, in and for those counties from which the county of Hart is taken, shall have jurisdiction in all actions and suits commenced before this act takes effect, and shall render judgments and issue executions thereon, in the same manner as if this act had not passed; and the sheriffs, and constables, and collectors in those counties from which the county of Hart is taken, may levy and collect all executions which may issue on the aforesaid judgments, and may also collect all taxes, fines, county levies and

monies which by operation of law, or any process, they were authorised to collect before this act takes effect.

Com'rs. of taxable property to be appointed.

Sec. 5. The county court of Hart shall appoint commissioners to take lists of taxable property for the year 1819, who shall be governed by the laws in force regulating commissioners of tax in this state; and the clerk of Hart county shall perform his duty in relation to the commissioners' books, and receive the same pay therefor as is allowed to the clerks of other counties for similar services.

Citizens to vote as heretofore, until otherwise directed by law.

Sec. 6. The citizens of said county of Hart shall vote for members to serve in the general assembly, as joined with and making a part of the counties from which they were taken, until the next apportionment of the representation among the several counties in the commonwealth.

Citizens to cross Green river ferry free on certain occasions.

Sec. 7. All the inhabitants of the county of Hart, residing on the opposite side of Green river from that on which the court-house is fixed, shall cross the said river, at any ferry within the county, free from any charge therefor, in going to and returning from their several county and circuit courts, elections, and general and regimental musters.

Boundary of the new county to be run & marked.

Sec. 8. The surveyor of Barren county shall run and mark the boundary of the county of Hart, on the south side of Green river, and the surveyor of Hardin county shall run and mark the boundary of the county of Hart on the north side of Green river; for which services the said surveyors, and their chain-carriers, shall be paid, out of the first county levy of the said county of Hart.

And whereas it is represented to the general assembly, that considerable sums of money and property would be subscribed by individuals, for the purpose of erecting the public buildings for said county, and thereby greatly lessen, if not wholly relieve the county from an expence, if authorised for that purpose: Therefore,

Subscriptions for erecting

Sec. 9. *Be it enacted*, That the clerk of the county court of said county, is hereby authorised and empowered to open subscription papers, for

the purpose of proposals or subscriptions, in money or property, to any amount not exceeding eight thousand dollars, from any person or persons, for the erecting the public buildings; and if any person or persons shall fail to make payment according to the articles of subscription, it shall be lawful for said clerk to recover the same, or the amount thereof, on giving ten days' previous notice to the defendant, on motion in the circuit court, or by warrant before a justice of the peace, as the case may require; and all sums so subscribed and received, or so much thereof as the county court shall deem necessary for that purpose, shall be applied by them to the erecting the public buildings, and the residue, if any, to be paid over to the person or persons subscribing the same.

the public buildings to be received, by the clerk of the county of Hart.

And may recover the amount of subscription by suit.

Sec. 10. *Be it further enacted*, That James Ray, of Mercer, Anthony Butler and Thomas S. Slaughter, of Logan, William Buckner, of Green, and Martin H. Wickliff, of Nelson, or a majority of them, be, and they are hereby [appointed] commissioners to fix on a place for the seat of justice for said county, who shall meet at the house of Elijah Creel, on the third Monday of April next, or as soon thereafter as practicable, and each having taken an oath before some justice of the peace for said county, to discharge the duty of a commissioner in fixing on a place for the permanent seat of justice for said county of Hart, without favor, affection, partiality or prejudice, according to the best of his skill and ability, shall proceed to select the most proper place for the seat of justice for said county, having due regard to population, territory, public conveniences and situation, and the capacity of the land in said county for sustaining future population, and also such subscriptions or proposals as shall be made by any person or persons for erecting the public buildings for said county. And said commissioners shall be allowed for their services, each, the sum of three dollars per day for every day they shall have been necessarily employed in the performance of their said duties, to be levied and paid out of the next county levy. And

Comm'rs. appointed to fix the seat of justice.

To meet at the house of Elijah Creel, in April next.

To take an oath, &c.

Allowance to the comm'rs.

as soon thereafter as practicable, the county court shall cause to be erected, on the place so designated by said commissioners for that purpose, the necessary public buildings.

CHAP. CCCLIII.

An ACT to amend the acts regulating the Towns of Millersburg, Paris, Bardstown, and for other purposes, approved February 4th, 1817.

Approved January 25, 1819.

BE it enacted by the General Assembly of the Commonwealth of Kentucky, That the 7th section of the above recited act, be, and the same is hereby repealed.

CHAP. CCCLIV.

An ACT to alter the mode of taking in Lists of Taxable Property.

Approved February 2, 1819.

SEC. 1. *BE it enacted by the General Assembly of the Commonwealth of Kentucky,* That the lists of taxable property in this commonwealth, shall be taken in the manner and form hereinafter prescribed.

Duty of county courts to appoint comm'rs

SEC. 2. The county court of every county, shall, at their March, April or May terms, in the year one thousand eight hundred and nineteen, and in each and every year thereafter, appoint one or more fit persons to receive and take in all lists of taxable property in their respective counties; and said court shall have power and authority to make re-appointments, whenever it shall become necessary. Each commissioner so appointed shall continue in office for the term of ten months; and shall, before he begins to execute the duties of his office, take the following oath or affirmation, before the clerk of the county court of his county, who is hereby authorised to administer the same: "I, A. B. do solemnly swear (or affirm, as the case may be) that I will,

Term of service.

Oath.

to the best of my skill and ability, diligently and faithfully execute the duties of a commissioner for taking in lists of taxable property, without favor, affection or partiality: So help me God." A certificate of which oath shall be preserved by the said clerk.

Court to district the counties.

Sec. 3. The court of each county in which more than one commissioner shall be appointed, shall lay off their county into districts, and assign and allot a commissioner to each district. Every commissioner appointed under and by virtue of this act, shall, immediately after he shall have taken the oath of office as before prescribed, commence and proceed with all practicable dispatch, throughout his county or district, (as the case may be) and call on every person therein, subject to taxation, or having property in his or her possession or care, on which any tax may be then imposed by law, for a written list thereof; which list being distinctly read over by the commissioner to the person delivering the same, he or she shall make oath or affirmation that such list contains a true, full and complete account of all persons and every species of property belonging to, or in his or her possession or care, subject to taxation, on the tenth day of March then next preceding; and that no contract, change or removal of property whatsoever, hath been entered into, or any other method devised, practised or used in order to evade the payment of taxes, to the best of his or her knowledge and belief; which oath or affirmation the commissioner is empowered and required to administer. In case any person shall be absent from his or her place of residence, at the time the commissioner calls to receive his or her list of taxable property, the commissioner may, by written notice left at said person's place of residence, with some white member of his or her family above the age of twelve years, require the attendance of such absent person, with his or her list of taxable property, at some convenient time and place within the district of such commissioner; and in case of his or her failing to attend at such time and place, the commissioner shall proceed in like manner as is

Duty of commissioners, and citizens.

When persons are absent.

hereinafter directed in cases of refusal to give in lists when called on; and the court shall determine, from all the circumstances of the case, whether the person so failing to attend shall be subject to the fine and triple tax imposed on those refusing to give in lists, and shall give judgment accordingly.

Fine on delinquents.

Sec. 4. *Be it further enacted*, That if any list of taxable property given in to a commissioner, contains land, or a town lot or lots, not in the actual occupancy of the person giving in such list, nor situated in the county in which he resides, and said land or town lot or lots shall be improved, it shall be the duty of each and every person giving in such list, to state therein the number of the lot or lots, and the town in which they are situated, and also make out in such list as correct a description as may be, of the nature and kind of the improvements on said land and lot or lots.

Oath of citizens to determine the value in certain cases

Sec. 5. *Be it further enacted*, That it shall be the duty of each and every commissioner, after he shall have collected and taken in the lists of taxable property in his county or district, (as the case may be) to make out, in the form now prescribed by law, an alphabetical book therefrom of all persons and property subject to taxation; and each and every commissioner shall, from his own view, knowledge, or the best information he can obtain, affix and add to each and every list of taxable property given in to him, the value of the property contained in such list, and return the said alphabetical book so made out, together with the original lists of taxable property given in to him, to the clerk of the county court of the county in which he was appointed, on or before the first day of September in each year. Each county court clerk shall make out two alphabetical books of all persons and property subject to taxation, as returned to him by the commissioner or commissioners; one of which he shall transmit to the auditor of public accounts, by the first day of November in each year; the other he shall deliver to the sheriff or collector of the county, as soon as may be after he shall have executed bond for the collection of the revenue tax, and take a re-

Comm'rs. to make out books, and affix the value.

Disposal of original lists.

Clerks to make out two books.

One to be sent to auditor.

One to sheriff.

Sheriff to give bond, &c.

ceipt therefor: which receipt the said clerk shall forward to the auditor of public accounts, by the first day of April thereafter.

Clerks to preserve books & lists.

Sec. 6. *Be it further enacted*, That every such clerk shall carefully preserve in his office the alphabetical book or books, and original lists of taxable property returned to him by the commissioner or commissioners as before required; and they shall be open to the inspection of every one requiring to see them.

To be open to inspection.

Comm'rs. to report delinquents to the court.

Sec. 7. *Be it further enacted*, That each and every commissioner shall, when he returns to the clerk the alphabetical list as before required to be returned by him, report to the court in writing the names of all persons who shall have omitted to give in a list of their taxable property, or shall have given in a false and fraudulent or imperfect list. And in case any person or persons shall have wholly refused or neglected to give in a list of his or her taxable property, the commissioner, from his own knowledge or the best information he can get, shall report in writing the articles of taxable property belonging to such delinquent or delinquents, and shall add thereto the value thereof, according to his knowledge and the best information he can obtain in relation thereto; which value may be used by the county court as *prima facie* evidence of the value of the articles of taxable property contained in such written report of the commissioner.

Comm'rs to make out lists from their own view, &c.

Proceedings against delinquents.

Sec. 8. *Be it further enacted*, That the clerk of each county court with whom any such report is filed, shall forthwith issue a summons against each and every such delinquent, requiring him or her to appear at the next succeeding term of said court; and on the return of such summons executed, the court shall, as soon as may be, proceed to hear and determine the same, and give judgment for a fine and triple tax, as directed by law, and determine the value whereon to fix the triple tax. The court, by the report of the commissioner, oath of the party, or other competent evidence, may proceed to ascertain the articles of taxable property belonging to such delinquent or delinquents, and the value thereof.

Fine and triple tax.

False or fraudulent lists, &c.

Sec. 9. *Be it further enacted*, That for preventing frauds and impositions on the commissioners, any person having knowledge of any false, fraudulent or imperfect list, or of any person who shall have failed to give in his or her list of taxable property to the proper commissioner, shall give information thereof to the county court, and thereupon the same mode of proceeding shall be had as is directed in case of information given by a commissioner.

Sheriffs to report delinquents of former years.

Fine and triple tax.

Sheriffs, commissioners and informers not liable to costs.

Courts to ascertain articles of taxable property.

Lists may be given in to courts.

Courts to annex the value.

Fine and triple tax, unless, &c.

Sec. 10. *Be it further enacted*, That whenever it shall be known at any time, in any year, to the sheriff or collector of the revenue, that any person has failed in any preceding year to give in his or her list of taxable property, such sheriff or collector shall forthwith report such delinquent to the court of his county, which shall, in the manner before prescribed, proceed to inflict the fine and triple tax as in other cases reported by the commissioner. No sheriff, commissioner or individual shall be liable for costs in any case reported by them. In cases reported by the sheriffs, or an individual, the court shall proceed to ascertain the articles of taxable property belonging to such delinquent or delinquents, and the value thereof, by the oath of the party, or such other competent evidence as may be in its power. Any person who shall have failed to give in a list of his or her taxable property to the proper commissioner, may, nevertheless, give in such list to the county court of his county, on or before the first day of March after the said commissioner shall have made return as aforesaid of his alphabetical book; and when such list shall be given in to the county court, they shall, from their own knowledge, or from the best information they can obtain, ascertain, annex and fix to said list the value of the property therein contained; but in all such cases the person so failing shall be subject to a fine and triple tax, unless he shall satisfy the court that his or her failure to give in his or her list of taxable property was not owing to his or her neglect or indisposition to give in such list to the commissioner; and in no case shall any person be exempt from the fine and triple tax impos-

ed by this act, or any law now in force in relation to giving in lists of taxable property, for having failed to give in a list of taxable property as required by this act, or for having given in a false, fraudulent or imperfect list, unless he or she shall deliver to said court a full and fair list of his or her taxable property, in the manner herein before prescribed.

When fines may be imposed.

Sec. 11. *Be it further enacted*, That the county court of each county, at each term throughout the year, shall have power to impose the fine and triple tax in any case brought properly before them.

Comm'rs to take account of males above 21 years old.

Sec. 12. *Be it further enacted*, That it shall be the duty of each and ever commissioner appointed under this law, to take, in the year 1819, and in every year thereafter, an accurate account in his book of every white male inhabitant above the age of twenty-one years, in his county or district, (as the case may be) for the purpose of enabling the legislature of this commonwealth to apportion its representation; and shall also report in his book a separate list of the number of all the free white males above the age of twenty-one years, who may reside within the bounds of each town within his district.

To report the number in towns.

Returning the lists.

Sec. 13. *Be it further enacted*, That in case any commissioner appointed under this act shall fail to return his alphabetical list of taxable property as before required, within the time herein before described, it shall notwithstanding be the duty of the clerk to receive the same when returned, and as soon thereafter as practicable transmit a certified copy of such list to the auditor of public accounts, and deliver a similar copy to the sheriff or collector, and take his receipt therefor: *Provided, nevertheless*, that such commissioner shall be subject to be fined the sum of one hundred dollars, for failing to make his return by the time herein before prescribed; which fine may be recovered by motion in the name of the commonwealth of Kentucky, in the county court of the county in which he was appointed, on ten days' previous notice given; which court shall enter judgment for such fine against such delinquent

Clerks to send copy to auditor and sheriff.

Penalty on commissioner.

How recovered.

Unless, &c.

commissioner, unless he shall make it appear to the court that such failure was produced by circumstances not within his control. And it

Duty of county attornies.

shall be the duty of the attornies for the counties respectively, to prosecute all delinquents under

Fines appropriated.

this act; and all fines imposed by this act, shall go towards lessening the county levy.

Pay of commissioners.

Sec. 14. The county court of each county shall allow to each commissioner the sum of six shillings for every day he shall make satisfactory proof to the court, to have been faithfully engaged in the execution of the duties appertaining to

Exemptions of comm'rs.

the office of commissioner; and each and every such commissioner shall be exempt from fine for not doing militia duty in time of peace, working on highways, and serving as jurors, for the term for which he shall have been appointed. And

Clerk's pay.

the clerk shall receive the same compensation as is now allowed by law for similar services.

Clerks to certify certain lists, &c.

Sec. 15. *Be it further enacted*, That it shall be the duty of the county courts respectively, to cause to be certified to the sheriff or collector, and the auditor, true copies of all lists of taxable property, with the respective values, which shall have been given in to the said courts; of which the sheriff shall be bound *ex officio* to take notice.

Sheriff to collect.

And the sheriff or collector shall proceed to collect the tax from each and every person, copies of whose lists shall have been so certified to him, according to the per centum fixed by law, and

To account.

shall account for the same to the treasury, in the same manner, and at the same time he accounts

Clerks to certify persons triple taxed.

for the revenue of his county. The clerk shall certify forthwith to the sheriff or collector, and also to the auditor of public accounts, the list and value of taxable property of any individual triple taxed by order of court, and that the same was triple taxed. And the sheriff shall proceed to

Sheriff to collect.

collect three times the per centum fixed on the value, in the same manner as other taxes; and

To account.

shall account for and pay the same to the treasury, in the same manner, and under the same rules and regulations as the other revenue from his county.

Sec. 16. The lands of non-residents shall be listed, the value thereof ascertained and fixed, and proceedings had in relation thereto as now prescribed by law. Non-residents' lands listed.

Sec. 17. *Be it further enacted*, That so much of an act approved on the thirty-first day of January 1814, entitled "an act to amend the several laws establishing a permanent revenue," as requires every person giving in to a commissioner his or her list of taxable property, to add thereto the value of the property contained in such list, shall be, and the same is hereby repealed: *Provided, however*, that each and every person owning, holding or possessing a wholesale or retail store or stores, shall list the same for taxation, and shall add thereto the whole amount of the value of all the merchandize procured or purchased by him or her for the year next preceding, at the prime cost thereof, excepting thereout goods, wares and merchandize manufactured in the United States; and shall also make oath to the prime cost of said merchandize, to the best of his recollection, knowledge and belief. Law requiring persons to value their own property, repealed. Storekeepers to add the value of goods. Exception.

Sec. 18. The clerks of the county courts respectively, shall forfeit and pay the sum of one hundred dollars for each and every failure of duty which they are required to perform by this act. Every commissioner appointed under this act, shall give in to the county court of his county, at their first term after he shall have returned to the clerk the lists of taxable property taken in by him, a list of his taxable property, and make oath to the correctness thereof, in like manner as other persons giving in lists are required to do; which list, after the court shall have added and affixed the value of the property contained therein, shall be inserted in the alphabetical book returned by said commissioner as before required; and every commissioner, for failing to give in a list of his taxable property as before required, or for giving a false, fraudulent or imperfect list, shall be subject to be fined and triple taxed, and proceeded against in the same manner as other delinquents under this act. Penalty on clerks. Comm'rs. to give in lists of their own property, &c. Fine and triple tax.

Repealing section.

Sec. 19. *Be it further enacted*, That so much of all laws as require the county courts in this commonwealth to appoint a fit person in the bounds of each militia company, to receive and take in lists of taxable property, and all laws which come within the purview of this act, shall be, and the same are hereby repealed.

Justices of the peace, not to be comm'rs.

Sec. 20. *Be it further enacted*, That no justice of the peace shall be appointed a commissioner under the provisions of this act.

How comm'rs. and clerks to be paid.

Sec. 21. The county courts of each county shall certify to the auditor of public accounts the amount allowed to each commissioner, and also the sum to which each clerk shall be entitled for services rendered under this act; and the auditor shall issue his warrant on the treasurer for the same.

Manner of ascertaining value of property.

Sec. 22. *Be it further enacted*, That it shall not be necessary for a commissioner to view or examine any property listed for taxation, but each person giving in a list as aforesaid shall answer on oath, if required, (which oath the commissioner is authorised to administer) all questions put by said commissioner, as to the description, situation, improvements and qualities of the property listed for taxation, to enable the commissioner to judge of the value thereof.

Appeal to the county court.

Sec. 23. *Be it further enacted*, That any person aggrieved by the valuation of a commissioner, shall be allowed an appeal from such valuation to the county court appointing the commissioner, at their next term after such valuation is returned to the clerk of such court; whereupon the said court may, upon hearing testimony, or from their own knowledge, correct such valuation, if it is proper so to do.

Explaining section.

Sec. 24. *Be it further enacted*, That nothing in this act contained shall be so construed as to affect or repeal any of the provisions of an act of assembly, entitled "an act for encouraging the importation of goods by the port of New-Orleans," approved February the 3d, 1817.

CHAP. CCCLV.

An ACT authorising Walter Preston to convey certain Lands within this Commonwealth.

Approved February 2, 1819.

Recital.

WHEREAS it appears that Walter Preston, on the fifth day of March, 1817, was appointed the guardian of Mary Robinson, Harriet Robinson, John Robinson, Gertrude Robinson, Lettitia Robinson and Nancy Robinson, the children and heirs at law of David Robinson, in Montgomery county, state of Virginia, and entered into bond agreeably to law; and whereas it appears that the said Walter obtained leave from the Shelby circuit court, by decree, to sell two hundred acres of land, lying in the said county of Shelby, and situated on Bullskin creek; and that the said Preston did accordingly sell and dispose of the said land, for the sum of three thousand two hundred dollars; and that doubts are entertained as to the validity of the same.

Walter Preston authorised to convey certain lands to J. Logan.

Sec. 1. *Be it therefore enacted by the General Assembly of the Commonwealth of Kentucky*, That the sale aforesaid be, and the same is hereby ratified and confirmed; and the said Walter is hereby invested with full power and authority to alien, transfer and convey to John Logan, the purchaser of the said land, all the right and title, in law and equity, of the said heirs to the land aforesaid, agreeably to the contract entered into with the said Logan.

Three years given the infants, after arrival at full age, to set aside sale for fraud, &c.

Sec. 2. *Be it further enacted*, That the said heirs, and each of them, shall be allowed three years, after they respectively arrive at the age of twenty-one years, to institute any suit or suits to rescind and set aside the said sale, and all conveyances made in pursuance thereof, for any fraud or collusion practised by the said Preston and Logan, to the injury of the said heirs, in the sale of said land.

CHAP. CCCLVI.

An ACT for the benefit of Frances Lewis.

Approved February 2, 1819.

Recital. WHEREAS it is represented to the present general assembly, that Frances Lewis has been cruelly and inhumanly treated by her husband, Tiptan Lewis; that he has abandoned her for nearly two years, and left no means of support whatever, and she is entirely dependant on her mother, who is in indigent circumstances:

Divorced. *BE it enacted by the General Assembly of the Commonwealth of Kentucky*, That the marriage of the said Frances Lewis, with the said Tiptan Lewis, is hereby totally dissolved.

CHAP. CCCLVII.

An ACT for the benefit of Alice Anna Brown.

Approved February 2, 1819.

SEC. 1. *BE it enacted by the General Assembly of the Commonwealth of Kentucky*, That Gustavus Edwards be, and he is hereby constituted and appointed trustee, to sell, either at public or private sale, for the best price he can obtain, that part of the estate of Thomas Jones, deceased, devised by his last will and testament to trustees, for the use and benefit of his daughter, Alice Anna Brown, and her heirs; and to appropriate the money arising from the sale of said land, to the purchase of bank stock, or put said money out at interest, on real security, and pay over the proceeds thereof, annually, to said Alice Anna Brown, during her life, and at her death then to her children, until said children come of age, when said money or bank stock shall be equally divided amongst them: *Provided, however*, that said Gustavus Edwards, before he exercises the powers vested in him by this act, shall enter into bond with sufficient security, in the county court of Logan, to be approved of by the said court, in the penal sum of ten thousand dollars, payable to said Alice Anna Brown and her heirs, conditioned faithfully

to execute the powers vested in him by this act, and account for all sums of money received for the sale of said land.

Sec. 2. *Be it further enacted*, That said Gustavus Edwards, before he proceeds to sell said land, as above directed, shall obtain from the other heirs of said Thomas Jones, deceased, a release of their contingent remainder in said land.

CHAP. CCCLVIII.

An ACT allowing an additional number of Justices of the Peace to certain Counties in this Commonwealth.

Approved February 3, 1819.

BE it enacted by the General Assembly of the Commonwealth of Kentucky, That the county of Bath shall be entitled to one justice of the peace; the county of Whitley, three; the county of Nelson, one (to reside in the town of Bloomfield); the county of Bullitt, two; the county of Shelby, one (to reside in the town of Mount-Eden); the county of Washington, two (one to reside in the town of Maxville, and one to reside in New-Market); the county of Fleming, two; the county of Cumberland, one; the county of Franklin, one; the county of Harrison, one; the county of Breckenridge, one; the county of Jessamine, one; the county of Greenup, one, and the county of Estill, one, in addition to the number now allowed by law.

Bath,
Whitley,
Nelson,
Bullitt,
Shelby,
Washington,
Fleming,
Franklin,
Breckenridge,
Jessamine,
Greenup,
Estill.

CHAP. CCCLIX.

An ACT for the relief of the Surveyors of Jefferson and Garrard Counties.

Approved February 3, 1819.

Sec. 1. *BE it enacted by the General Assembly of the Commonwealth of Kentucky*, That it shall be lawful for the surveyor of Jefferson county, to enter into bond and security for the faithful discharge of the duties of his office, within three

months after the passage of this act, as required by law; which bond, when executed, shall have the same effect as if it had been executed in the year 1815.

Sec. 2. The further time of three months be given to Arabia J. Brown, surveyor of Garrard county, to execute bond in the county court aforesaid; which bond, when given, shall be as valid as if it had been renewed at the time now prescribed by law.

CHAP. CCCLX.

An ACT for the relief of Eliza G. Ball.

Approved February 3, 1819.

Recital. WHEREAS it is represented to the present general assembly of the commonwealth of Kentucky, that Eliza G. Ball has been cruelly and inhumanly treated by her husband, Spencer Ball; that he has absconded her in a country distant from her friends and relatives, leaving her without the means of support, dependant on the compassion of strangers:

Divorced. *BE it enacted by the General Assembly of the Commonwealth of Kentucky*, That the marriage of said Eliza G. Ball, with the said Spencer Ball, is hereby totally dissolved.

CHAP. CCCLXI.

An ACT for the relief of the administrators and heirs of John Stapp, deceased.

Approved February 3, 1819.

Recital. WHEREAS it is represented to this general assembly, that John Stapp, deceased, late of Adair county, some short time previous to his death, had written and prepared for execution, an instrument of writing, intended by him for his last will and testament; and that said decedent, at that time, from some casualty, had postponed the signing of said instrument, and that he finally died without signing and legally executing and

publishing said instrument, so as to give to it the force and effect of a last will and testament; and that the administrators of said decedent, supposing that said instrument of writing invested them with such power, did proceed to sell, and have actually sold a certain tract of land, therein directed to be sold, containing one hundred and seventy acres, to a certain William Triplett; and that the said William Triplett has paid the said administrators the consideration therefor, believing also that from the power vested in them by said instrument of writing, they were authorised so to do, and also believing that they were authorised to make conveyance for said tract of land; and it also appearing that part of the heirs of said decedent are minors, consequently a deed of conveyance for said land cannot be made: For remedy whereof,

Adm'rs. to file petition in circuit court.

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That it shall and may be lawful for James Stapp, Benjamin Stapp and John Stapp, administrators of said decedent, or either of them, to file their petition in the circuit court, of Adair county, in which petition a special statement of the aforesaid case shall be made, and if it shall appear to the satisfaction of said court that the sale made as aforesaid to said William Triplett, was a fair and *bona fide* sale, and made for a full and fair price, the said court shall, by a decree, vest the said James Stapp, Benjamin Stapp and John Stapp, or any one of them, with power to convey to said William Triplett, his heirs and assigns, forever, the aforesaid one hundred and seventy acres of land.

Court may decree a conveyance of land.

Adm'rs. may convey.

To give bond.

Sec. 2. *And be it further enacted by the authority aforesaid*, That the said administrators, or such of them as may be authorised to make such conveyance, shall, before they make the same, enter into bond and security, to be approved of by said court, in such sum as said court may require, conditioned for the faithful distribution of said money to those entitled to the same.

CHAP. CCCLXII.

An ACT concerning the duties of the Register of the Land-Office.

Approved February 3, 1819.

Register may receive copies of plats in certain cases.

SEC. 1. *BE it enacted by the General Assembly of the Commonwealth of Kentucky*, That where any original plat and certificate of survey, which has been or may hereafter be made, shall be lost, it shall be lawful for the person or persons in whose name the same was made, or the heirs or legal representatives of such person or persons, to obtain from the surveyor's office a certified copy of the same from such surveyor, and to make oath before some justice of the peace, that the said original is lost, and that he or they, as the case be, have not assigned or transferred the said original plat and certificate, to any person or persons whatever, and that such affiant is the owner of said land; and upon producing said certified copy, with the said affidavit indorsed thereon, the register of the land-office shall receive and register the same, as though it were the original.

Assignor may make oath of assignment of survey.

Sec. 2. Where any person or persons may or shall have assigned and transferred to them, any plat and certificate of survey, which may by accident or otherwise be lost, upon the person in whose name the same was made, making oath before some justice of the peace, to whom he assigned the original plat and certificate of survey, and that he had never assigned or caused the same to be assigned or transferred to any other,

Assignee to make oath.

and such other intermediate assignee, if any, making the like affidavit, and the person or persons claiming to own the same shall also make affidavit that the original is lost, and that he has never transferred or assigned the same, or caused it to be done, to any person or persons whatever, and that he is the owner thereof; and if it shall appear from said affidavits, indorsed upon a copy of said original, certified from the surveyor's office wherein the said survey was recorded,

Register shall receive copy of plat.

that the last affiant is the regular assignee, the register shall receive and register said survey,

under the same rules and regulations that he would have received the original.

False oath in such case declared to be perjury.

Sec. 3. Any and every person or persons who shall wilfully and knowingly make a false oath, under the authority of this act, for the purpose of obtaining a patent under its provisions, shall be held and deemed guilty of perjury, and upon conviction thereof shall suffer the pains and penalties prescribed by law for wilfull and corrupt perjury; nor shall any patent obtained under and by virtue of this act, be of any avail in law or equity, when the same may be obtained by any false affidavit, made in pursuance of the provisions herein contained, but the same shall be null and void in law and equity: *Provided, however,* that nothing in this act contained shall authorise the register to receive and register the copy of any plat and certificate, where by law the original could not be received and registered.

Proviso.

Sec. 4. Nothing in this act contained shall extend to the registering of any survey, other than those made under the laws of this state disposing of the vacant lands thereof.

Register not to receive a duplicate quietus, unless it specifies the whole claim.

Sec. 5. *Be it further enacted,* That it shall not be lawful for the register of the land-office to receive and file in his office, a duplicate quietus from the auditor's office, unless the same shall specify that the whole claim is paid on in full: *Provided, however,* that a duplicate quietus for a less quantity than the whole claim, may be received by the register, where the person about to file the same shall make oath that the original has been lost; which oath the register is hereby authorised to administer.

Proviso.

CHAP. CCCLXIII.

An ACT vesting certain powers in the Trustees of the Towns of Flemingsburg and Lebanon.

Approved February 3, 1819.

Flemingsburg.

Sec. 1. *BE it enacted by the General Assembly of the Commonwealth of Kentucky,* That the trustees of the town of Flemingsburg, shall have full

power and authority to levy a tax upon the owners of real property situate within the limits of said town, sufficient to enable them to procure a fire engine of good quality, for the use of said town; and they shall have full power to levy the whole sum at once, or divide the same in such manner as they may think proper; and they shall have the same power to enforce the collection thereof, as is now vested in them with respect to the collection of other taxes.

Lebanon.

Sec. 2. *Be it further enacted*, That the trustees of the town of Lebanon, in Washington county, be, and they are hereby authorised to levy the sum of fifty dollars, in addition to the sum now allowed by law to be raised, and applied in the same manner as is now directed by law regulating said town.

CHAP. CCCLXIV.

An ACT for the benefit of James Elder.

Approved February 3, 1819.

Recital.

WHEREAS it is represented to the present general assembly, that James Elder, of Livingston county, did carry into grant three hundred and eighty-nine acres of head-right land in said county, but on examination found the surveyor had made a mistake in some of the lines, so that the survey would not close and include said land, in consequence of which he applied to the county court of Livingston for a re-survey of said land, which has been done, examined and certified by said court, but the register refuses to take in and cancel the patent which has been issued, and give him one on the re-survey:

Register to cancel a patent and issue another.

BE it enacted by the General Assembly of the Commonwealth of Kentucky, That the register of the land-office is hereby directed to take in and cancel said patent which issued to said Elder for three hundred and eighty-nine acres of land as aforesaid, and receive and file the re-survey with the original papers, and register the same, and issue a patent on said re-survey for three hundred

and fifty acres, which has been certified, as in other cases: *Provided, however*, that the patent issued on the re-survey, shall not affect the claim of any other person.

CHAP. CCCLXV.

An ACT to declare Great Sandy River a navigable stream.

Approved February 4, 1819.

BE it enacted by the General Assembly of the Commonwealth of Kentucky, That from and after the passage of this act, the Big Sandy river shall [be], and the same is hereby declared a navigable stream and public highway, from its junction with the Ohio up as high as the forks, and the Louisa fork from its mouth up as high as the mouth of the Russell's fork.

CHAP. CCCLXVI.

An ACT authorising the payment of a sum of Money due by the Commonwealth to John Hunter.

Approved February 4, 1819.

BE it enacted by the General Assembly of the Commonwealth of Kentucky, That the auditor of public accounts be, and he hereby is required to issue to John Hunter, a warrant on the treasurer of the commonwealth, for the sum of one thousand eight hundred and fifty-one dollars, being the amount due to the said John Hunter, on the settlement of his accounts for disbursements made by him on account of the commonwealth, when employed as keeper of the penitentiary house.

CHAP. CCCLXVII.

An ACT to authorise William and James Newton to build a Dam and Water Grist and Saw Mill, on Rough Creek, in Ohio County.

Approved February 5, 1819.

SEC. 1. *BE it enacted by the General Assembly of the Commonwealth of Kentucky*, That William Newton and James Newton, shall have power to build a dam and water grist and saw mill on Rough creek, on their land in Ohio county, at the spot where formerly stood the mill of Peter Hedges.

Where to be erected.

Sec 2. The dam of said mills shall not exceed seven feet in height.

Height of dam.

Sec. 3. If in the opinion of the county court of either Ohio, Breckenridge or Grayson counties, the said dam and mills shall be injurious to the navigation of said stream, such county court shall give notice thereof to each of the other county courts above mentioned, when the three said courts shall choose each one commissioner, and the three commissioners so chosen shall view said dam and mills, and if in the opinion of a majority of said commissioners the navigation of said stream shall be injured thereby, they shall direct the said William and James Newton, if they shall be the owners of said dam and mills, and if not then they shall direct the owner or owners thereof for the time being, to build, at their own expence, such slope or locks as the said commissioners shall prescribe.

Courts of Ohio Breckenridge and Grayson may abate the dam or cause locks or slopes to be made therein.

Sec. 4. If the owner or owners of said dam and mills, shall neglect or refuse to build such slope or locks, or wilfully suffer them to be out of repair, the county court of Ohio county shall cause the said dam and mills to be abated.

CHAP. CCCLXVIII.

An ACT allowing Coroners and Elisors pay for certain services.

Approved February 5, 1819.

BE it enacted by the General Assembly of the Commonwealth of Kentucky, That in all cases where a coroner or elisor shall be required to summon a *venire,* or attend court, or perform any duty appertaining to the office of the sheriff, for which the sheriff is paid out of the public treasury, such coroner or elisor shall be paid in like manner; and it shall be the duty of the court to certify such allowance to the auditor, who shall draw on the treasurer in favor of such claimant: *Provided,* that such coroner or elisor shall receive for summoning a *venire,* two dollars, and for attending court a sum not exceeding two dollars per day.

CHAP. CCCLXIX.

An ACT giving additional powers to the Trustees of the Towns of Louisville and Nicholasville.

Approved February 5, 1819.

SEC. 1. *BE it enacted by the General Assembly of the Commonwealth of Kentucky,* That in all actions at common law or in chancery, in which the trustees of Louisville may be plaintiffs or defendants, it shall not be necessary to enumerate the names of the acting trustees, but it shall be sufficient for all legal purposes, to style them "The Trustees of Louisville;" and under that name and style they may sue and be sued in all courts of this commonwealth; and in all such cases the service of a copy of the process on the president of the board of trustees, shall be a legal service.

The name and style by which the trustees of Louisville may sue and be sued.

Sec. 2. *Be it further enacted,* That whenever, under the laws now in force, the trustees of said town shall cause any of the streets to be paved, they shall be, and are hereby invested with full power and authority to assess equally upon the owners of the corner lots, the expence of paving

Powers of the trustees relative to paving the streets.

the space included within the intersection of the streets on which those corner lots shall be situated; which sums shall be collected in the same manner as is directed by the law relative to the pavement of the streets of said town.

With regard to tippling houses, nuisances, &c.

Sec. 3. *Be it further enacted*, That the trustees of Louisville shall be, and they are hereby invested with full power and authority to pass by-laws, with proper penalties, for the suppression of unlicensed tippling houses, groceries or other establishments for retailing spiritous liquors, wine, beer or cider in said town. The said trustees shall further have power to pass by-laws, with adequate penalties, to prevent the tumultuous or disorderly assemblages of slaves or other persons, on Sundays, or other days, in said town; to suppress and remove nuisances in said town; and they shall have full power and authority to pass all by-laws necessary for the due and correct regulation of the police of said town, which laws shall be executed as prescribed by law with regard to the other by-laws of said town: *Provided, however*, that they shall pass no by-law contravening the constitution or general laws of this state.

Regulations respecting the levelling and preparing the streets for paving.

Sec. 4. *Be it further enacted*, That whenever the trustees of the said town shall determine to level and graduate any of the streets of said town, preparatory to the pavement thereof, they are hereby invested with power to level and graduate the said streets, and assess and apportion the expence thereof amongst the owners of the lots adjoining said streets; which sums so assessed and apportioned shall be collected in the same manner as the taxes of said town are by law to be collected.

A majority of the holders of lots may compel the pavement of streets

Sec. 5. *Be it further enacted*, That hereafter the consent of a simple majority of the owners of the lots or parts of lots adjoining any street in said town contemplated by the trustees to be paved, shall be sufficient to justify and legalise the pavement of any such street; which pavement shall be made under the same rules and regulations as heretofore, and the expence thereof shall be assessed, levied and collected as heretofore.

Nicholasville.

Sec. 6. And whereas it appears to the satisfaction of the present general assembly, that the original list or memorandum of sales of lots in the town of Nicholasville, has been lost or mislaid, and that there is great difficulty in many instances in procuring written evidence of the sale and purchase, although the parties claiming the lots have been long in peaceable possession thereof, and can prove their purchases by many witnesses now living, and they are threatening to sue the trustees for their titles: To prevent which,

Recital.

Trustees authorised to make certain conveyances.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That it shall and may be lawful for the trustees of the town of Nicholasville, to receive evidence of the purchase and sale of any lot in the town aforesaid, either written or *viva voce*, and upon their being satisfied that the applicant is entitled to a deed, to execute to him, her or them a deed for said lot or lots, which deed shall vest in the purchaser a legal title thereto, for all the purposes of holding, using and enjoying said property. But nothing in this act contained shall be construed to operate against the original owner of said ground, or any other person claiming title thereto, provided they can show a permanent title, either in law or equity, derived from the original owner of the land, or any other person.

Proviso.

CHAP. CCCLXX.

An ACT to repeal the act of the 23d January, 1818, relative to Morgantown.

Approved February 5, 1819.

Recital.

WHEREAS by an act of the general assembly of the commonwealth of Kentucky, approved January 23, 1818, the trustees of Morgantown were authorised to lay off into lots, thirty feet of ground in front of each lot facing the public square in said town, and to sell the said lots so laid off, and apply the money to the use of said town, reserving in and by the said act to the owners of the lots respectively, that the ground

so laid off should immediately adjoin in front, the pre-emptive right for twelve months; and whereas it is represented to the present general assembly, that the trustees have laid off said ground, and sold a part of the ground so laid off to persons owners of the adjacent lots, and other of the lots so laid off remain unsold, and the trustees have taken notes or other obligations from the purchasers, for the lots so sold at a credit, for the purchase money, which has not yet expired; and it is now represented to this general assembly, that the act of the last session before mentioned will operate very injuriously upon the owners of the lots as first laid off and sold facing the public square, and moreover it now appears that said act will greatly incommode the inhabitants of said town; and all others resorting there, by making the streets of an irregular width, those parts immediately about the public square being made narrower than other parts of the same streets, by the projection of the lots laid off under the act of last session, to the great disturbance and disquiet of the owners of lots in the town, and others the inhabitants of said town: Therefore,

Repealing clause.

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the said act of the last session, entitled "an act to authorise the sale of part of the public ground in Morgantown," shall be, and the same is hereby repealed.

Bonds taken under said act to be cancelled &c.

Sec. 2. *And be it further enacted by the authority aforesaid*, That the trustees of the said town shall cancel and deliver up to the respective purchasers under the said repealed act, the notes, obligations, or other writings, which they took from the purchasers for the price of the lots or parcels of ground so sold under color of the said before recited act; and the said streets of the town shall remain as in the plan of the town by which the lots facing the public square were originally sold; and the purchasers of the lots laid off under the before recited act of the last session of the general assembly, are declared to be, and hereby are released and exonerated from paying for the said lots so as aforesaid laid off and projected into the public streets of the town.

CHAP. CCCLXXI.

An ACT to amend an act regulating the Town of Prestonsburg, in Floyd County.

Approved February 5, 1819.

Tax on property.

SEC. 1. *BE it enacted by the General Assembly of the Commonwealth of Kentucky*, That the trustees of the town of Prestonsburg, and their successors in office, shall have power and authority to levy and collect any sum not exceeding fifty dollars, in each and every year, to be collected from the owners of in lots only, in the proportion of the value of said lots.

Capitation tax.

Sec. 2. *And be it further enacted*, That the trustees aforesaid, and their successors in office, shall, and they are hereby empowered to levy and collect from each and every free male inhabitant resident of said town, over the age of eighteen years, and all owners of out lots in the bounds of said town, any sum not exceeding one dollar, in each and every year.

Trustees to be governed by the above recited act in other respects

Repealing clause.

Sec. 3. *Be it further enacted*, That the aforesaid trustees, and their successors in office, shall be governed by the same rules and regulations as are prescribed by the act to which this is an amendment; and all acts and parts of acts coming within the purview of this act, shall be, and the same are hereby repealed.

And whereas it is represented to the present general assembly, that Richard R. Lee and Alexander Dunbar own a lot of ground in the town of Prestonsburg, fronting the public square, and in erecting their buildings thereon, through mistake, built in part upon the public ground: Wherefore,

County court authorised to sell part of public square.

Sec. 4. *Be it further enacted*, That it shall and may be lawful for the county court of the county of Floyd, a majority of all the justices concurring therein, to sell to said Dunbar and Lee one foot of said public ground, in front of their lot, at such price as may be agreed upon by them, or to be fixed and determined by two disinterested individuals, one to be chosen by each party; and they shall have full power and authority to execute deeds of conveyance therefor, as soon as pay-

ment is received; and the amount thereof shall be applied to the use of the county.

CHAP. CCCLXXII.

An ACT to authorise the sale of the Donation Lands of Salem Academy.

Approved February 5, 1819.

SEC. 1. *BE it enacted by the General Assembly of the Commonwealth of Kentucky*, That the trustees of Salem academy, shall be, and they are hereby authorised to sell and convey by deed with special warranty, all and any part of the donation lands belonging to said academy.

Sec. 2. *Be it further enacted*, That the said trustees shall have full power to appropriate the money arising from the sale of said lands, in such repairs, additional buildings and other improvements as they may deem necessary, for the benefit of said academy.

CHAP. CCCLXXIII.

An ACT for the benefit of John P. Thomas, late Treasurer.

Approved February 5, 1819.

Recital.

WHEREAS it is represented to the present general assembly, that John P. Thomas, late treasurer of this commonwealth, has discharged the principal, interest and costs of the late defalcation in the treasury, and that the auditor of public accounts, on behalf of the state, has obtained a judgment against him for a penalty equal to said principal, interest and costs, the payment whereof would probably reduce said Thomas to want, and is not demanded either by the interest or honor of the state: For remedy whereof,

Damages remitted.

BE it enacted by the General Assembly of the Commonwealth of Kentucky, That the auditor of public accounts be, and he is hereby directed to discontinue any farther proceedings under said

judgment, and the said Thomas be, and he is hereby relieved from the same. The general assembly, however, reserve the right to institute suit or suits for the recovery of eight hundred and sixty-four dollars and ninety-one cents, the amount of a suspended account for warrants issued in 1809, in case said warrants shall hereafter be presented at the treasury for payment. Proviso.

CHAP. CCCLXXIV.

An ACT concerning the Town of Versailles.

Approved February 5, 1819.

BE it enacted by the General Assembly of the Commonwealth of Kentucky, That Porter Clay, Archibald Kinkead and Daniel Stevenson, or any two of them, be, and they are hereby appointed commissioners, to value twenty feet of ground lying on the west side of Water street, in the town of Versailles, being a part of said street, and extending in front of the lots owned by, and in the occupation of George Fritzlin, William H. Cosby, John Buford, Landy Lindsey, James C. Long and Ira E. Tilford, upon which permanent improvements have been made, under the belief that said twenty feet was a part of their lots. The commissioners aforesaid shall, on or before the first day of May next, meet upon the ground, and ascertain the quantity fronting the lots of each of the above mentioned persons, and apportion the sum to be paid by each; which sum shall be paid by them in such manner and at such time as said commissioners may direct; and the money, when collected, shall be paid by the commissioners to the trustees of said town, and be by them applied to the improvement of the streets thereof. The commissioners aforesaid are hereby authorised and directed, upon the receipt of the valuation money aforesaid, to make deeds to so much of said street as is authorised to be sold by this act. Comm'rs. appointed to value, sell and convey part of a street.

CHAP. CCCLXXV.

An ACT to establish the Town of Bloomfield, in Nelson County, and for other purposes.

Approved February 5, 1819.

Town established.

SEC. 1. *BE it enacted by the General Assembly of the Commonwealth of Kentucky*, That the town laid off by John Bemis, on the east fork of Simpson's creek, in Nelson county, and known by the name of Bloomfield, is hereby established, and

Trustees.

vested in Edmund Guthrie, Samuel Merrifield, Spencer Miner, Charles Davis and Joseph Huston, gentlemen trustees for said town, and their successors in office, who are to be regulated by a plan of said town already made out by said Be-

To have a plan of the town recorded.

mis, whose duty it shall be to have a plan of said town recorded in the Nelson county court clerk's office, by the first of April next, by which plat the boundary of lots and streets shall be known and

To convey the lots.

determined; and the said trustees shall have power to convey by deed, any lot or lots in said town, to any person or persons entitled to the same.

To be elected annually, and the manner of conducting the election, &c.

SEC. 2. *Be it further enacted*, That the said trustees shall remain in office until the first Monday in January next, on which day, and on the same day in every year thereafter, the free male inhabitants of said town, above the age of twenty-one years, shall meet at such place as the trustees may appoint in said town, and choose by election five fit persons for trustees, to serve for one year after the election; which election shall be conducted by two of the trustees, who shall be designated for that purpose.

May pass by-laws.

SEC. 3. *Be it further enacted*, That the trustees thus appointed, and their successors in office, or a majority of them, shall have full power to pass and enact such by-laws and rules for the regulation of said town, as they may from time to time think advisable, not contrary to the constitution and laws of this state.

May levy and collect taxes.

SEC. 4. *Be it further enacted*, That the trustees, or a majority of them, shall have power to levy and cause to be collected off the inhabitants of said town, [a tax] not to exceed one dollar on each

titheable, and not more than fifty cents on each hundred dollars' worth of property in said town; which money [is] to be a fund in the hands of said trustees, to be disposed of as they may think best, for the improvement of said town; and that the said trustees shall have power to appoint an assessor, and a collector to said town, who shall give bond and security to the said trustees, as they shall deem sufficient, to insure the faithful performance of the duty to them entrusted, and shall make them such compensation for their services as they may think proper.—When vacancies happen in the board, by death, resignation or otherwise, the trustees shall fill such vacancy, and the member or members so added shall remain in office until the succeeding annual election.

Appoint an assessor and collector.

Collector to give bond.

Vacancies in the board, how filled.

Sec. 5. *Be it further enacted*, That in case the collector shall fail to pay the money collected by him to the trustees as aforesaid, the said trustees, upon giving him ten days' previous notice in writing, may recover judgment against him and his securities, in the county court, by motion.

Mode of proceeding against collector for failing to pay over the taxes.

Sec. 6. *Be it further enacted*, That whenever [the] owners of three-fourths of the ground on any of the streets of said town, or any square of the streets, shall request the trustees of said town to have the same paved, that then the said trustees shall proceed to have the street or streets paved; and shall have full power to compel the owners of lots, or parts of lots, to pave in front of their respective lots or parts of lots, as far as the middle of the street; and in case of the said owners, or any of them, failing or refusing so to do, the trustees of said town shall cause the same to be done at the expence of the owners of such lots or parts of lots; which expence shall be levied on, and collected from the person or persons so refusing or failing, in like manner as other monies may or can be collected by the trustees of said town, for any other purpose.

Regulations respecting paving the streets.

Sec. 7. *Be it further enacted*, That the collector appointed by the trustees of said town to collect the taxes authorised by this act to be levied and collected, shall have power to make distress

Collector may distrain for taxes.

and sale (if the same shall remain unpaid) in the manner now authorised by law in regard to sheriffs collecting the revenue of this commonwealth.

Town of Williamsburg established.

Sec. 8. *Be it further enacted*, That the town of Williamsburg, in Whitley county, be, and the same is hereby established.

Trustees to be elected.

Sec. 9. *Be it further enacted*, That the court of Whitley county be, and they are hereby authorised to designate two of their own body, who shall have authority to meet in the said town of Williamsburg, at the house at which the court for said county is holden, on the first Saturday in May next, and conduct an election for five trustees for said town; which election shall be conducted by, and the trustees shall have the same powers that trustees have by, an act establishing certain towns in this commonwealth, approved January 6th, 1812.

Act of 1812, regulating towns, to apply to Williamsburg.

Sec. 10. *Be it further enacted*, That the said act shall hereafter successively apply to the said town of Williamsburg, with the same force and effect that it applies to the towns therein named.

Town of Christiansburg established.

Sec. 11. *Be it further enacted*, That the town of Christiansburg, laid off in the county of Shelby, is hereby established, agreeably to the plan formed by William Tool, jun. which is ratified and confirmed.

Trustees.

Sec. 12. *Be it further enacted*, That the title of the lots of said town is hereby vested in Walker Daniel, James Wilson, Daniel Tool, William Crofford and Neily G. Fitzgerald, and their successors in office, who are appointed and created trustees for said town; and it shall be the duty of the said trustees to have a plan of said town recorded in the clerk's office of the county court of Shelby, as soon as practicable; and it shall be the duty of the said trustees to transfer and convey any lot or lots of said town, whenever called upon by any person or persons entitled to the same.

To have a plan of the town recorded, and to convey the lots.

The provisions of this act relating to Bloomfield, to apply to Christiansburg.

Sec. 13. *Be it further enacted*, That the said trustees shall in all other respects be governed, in their official duties, by so much of this act as relates to the town of Bloomfield, in the county of Nelson.

Sec. 14. *Be it further enacted*, That all laws heretofore enacted relative to the Frankfort Fire Company, be, and they are hereby repealed; and that full powers be vested in the trustees of the town of Frankfort, to organize such company or companies for extinguishing fires in said town, as they may deem necessary and sufficient for that purpose; to make rules and regulations for the government of such company or companies, and to alter the same when expedient; and also to increase the number of such companies, when necessary, provided that number shall never exceed the number of fire engines in said town.

The trustees of Frankfort may organize fire companies & make rules for their government, and increase their number from time to time.

Sec. 15. *Be it further enacted*, That all fines and forfeitures imposed by said regulations, for non-attendance or non-performance of the duties enjoined on said companies, shall be a part of the revenue of the town of Frankfort, and may be collected in the same manner in which other fines and forfeitures under the by-laws of said town are collected. And that the trustees shall, out of the town funds, furnish and keep in repair such engine or engines, and other machines and implements, (except buckets) as are proper to be used for extinguishing fire, or for preventing its progress; that they shall provide for the security of property taken out of houses in time of fire, by appointing men for that purpose; and the said trustees, or such of them as may be present at the happening of great fires, shall have power to determine and direct what house or houses, or parts of the same, shall be pulled down, to stop the farther progress of the flames.

Fines and forfeitures for a breach of their regulations, how collected and applied.

Sec. 16. *Be it further enacted*, That the said trustees shall have power to determine the number of buckets to be furnished by each house in said town, in proportion to the number of chimnies, or the number of fire places, or by some other general criterion; and that they may impose such fines as will insure the furnishing the said buckets and keeping them in repair; which fines shall be a part of the revenue of said town, and may be collected as other fines under the by-laws of said town are collected: *Provided*, that the fines so imposed shall not exceed one dollar

Further powers of the trustees in relation to the organization of companies for extinguishing fires.

per month for each bucket not furnished, and fifty cents per month for each bucket not kept in repair.

Powers of the trustees in regard to levelling and paving the streets, &c.

Sec. 17. *Be it further enacted*, That the said trustees shall have power to direct, whenever they may deem it expedient, the sideway in front of any square, or part of a square in said town, to be paved with brick; and preparatory to such sideway being paved, to direct the same to be raised or depressed in such manner as may suit the adjacent street; and whenever any sideway, already paved, or hereafter to be paved, shall be out of repair, the said trustees shall have power to direct the owner or owners of the property adjacent, to have the same amended; and in case any person or persons shall refuse or neglect to obey any order made by said trustees in pursuance of this section, the said trustees may carry the same into full or partial effect, and levy the expence of so doing on the person or persons who may have so refused or neglected, by adding said expence, and the costs of collecting the same, to the town tax to be paid by such person or persons in the year in which said work may be done, if the town tax of that year shall not have been already paid, and if it has been already paid, then the expence and costs of collection to be added to the town tax to be paid by such person or persons for the next year, and in either case to be collected in the same manner and together with their town tax.

Further regulations concerning pavement of the streets.

Sec. 18. *Be it further enacted*, That the said trustees shall have power, whenever they may deem it expedient, to have any street or part of a street in said town levelled and graduated in such manner as to them may seem proper—one third of the expence of such levelling and graduating to be paid by the trustees out of the town funds, and the remaining two thirds to be paid by the owners of lots binding on the street or part of a street so levelled and graduated; and in case any person or persons shall refuse or neglect to pay his or their proportion, at any time when, after the completion of the work, the same shall be demanded by the trustees or their proper officer, then such proportion to be collected in the

manner pointed out in the 17th section of this act for collecting from individuals the expences defrayed for their benefit by the trustees.

Sec. 19. *Be it further enacted*, That whenever three-fourths of the owners of the lots binding on any street in said town, or on any part of a street equal in extent to the adjacent sides of the squares between which it runs, shall consent or require such street or part of a street to be paved with stone, the said trustees shall have power to have the same so paved—one third of the expence of such paving to be paid by the trustees out of the town funds, and the remaining two thirds to be paid by the owners of the lots binding on the street or part of a street so paved. And so soon as such paving is completed in front of any lot, the trustees may demand of the owner or owners of such lot, his, her or their representative, his or their proportion of the expence of such paving; and in case any person shall then refuse or neglect to pay his or her proportion of such expence, such proportion may be collected in the manner pointed out in the 17th section of this act.

Sec. 20. *Be it further enacted*, That when the trustees of said town have, in consequence of the consent or application of such a number of the owners of the adjacent lots as was hitherto required, directed any street or part of a street to be paved, and any person owning a lot or lots binding thereon, has neglected to pave his proper proportion of said street in front of such lot or lots, and still refuses or neglects to pave the same, in that case it may be lawful for the trustees to have the same paved, and to collect the expence of such paving as directed in the 17th and 19th sections of this act.

Wapping street to be changed, &c.

Sec. 21. *Be it further enacted*, That the trustees aforesaid may alter and change that part of Wapping street lying east of St. Clair street, so as to cause the same to run down the river upon the wall erected for Water street; and that they are authorised to convey by general warranty, the aforesaid part of Wapping street to the owner or owners of the ground hereby authorised as a con-

tinuation of Water street; and said continuation of Water street, shall, upon said change taking place, thereafter be subject to the control and government of said trustees and the ordinances of said town, as in other cases of streets.

Powers granted the trustees of Augusta to compel the levelling and paving of streets, &c.

Sec. 22. The trustees of the town of Augusta, in the county of Bracken, are hereby authorised, by proper orders, ordinances and by-laws, to cause any pavement of their streets, half way across the same, adjoining the lot or lots held or occupied by any person or persons, to be renewed or paved from time to time, as to a majority of said board may seem proper, including what is usually termed the side walks of said streets; and if any person or persons, holding or possessing any lot or lots in said town, shall fail to renew or repair a pavement, either of a side walk or in the street to the centre, he, she or they shall be ordered so to do by the board, within a reasonable time, to be fixed by said order: After receiving notice thereof, he, she or they shall pay two dollars for every eight and forty hours such renewing or paving, or posting, where posting is necessary to preserve side walks, may be neglected, to be collected by the town collector as other taxes or dues are collected in said town.

Sec. 23. The trustees of said town shall have full power to direct any street or part of streets in said town, binding on the lot or lots of any individual, to the centre thereof, to be dug or cut down, or to be filled up and raised, as said board shall direct, and as may be necessary to give the street a proper graduation for the passage of the water, to prepare the same for paving, and also to direct the paving thereof, as a charge on the holder or possessor of the adjoining lots, to the centre of the streets so adjoining; and in case any holder or possessor shall fail or refuse, either to dig or cut down, or to fill up, or pave, when so directed by order of the board, the said board may proceed to employ the doing of the same, according to the provisions of an act approved the 8th day of January 1814, and to assess the same upon the holder or possessor of the adjoining estate, and recover it according to the provisions

of the before recited act; and said trustees may at their discretion direct, by their order, that the person or persons who shall fail so to do, shall pay a fine of two dollars for every eight and forty hours that the person or persons shall fail to dig or cut down, or to fill up or pave such street, after notice given, and a reasonable time, to be fixed by said board, has elapsed; which fine shall be collected as in other cases.

Provision when property is held by a tenant, with regard to the above sections.

Sec. 24. If any tenant at will, or at sufferance, or for weeks, months or years, shall, pursuant to the order of said board, dig, cut down, or fill up, or pave any street or streets, or side walks, adjoining or binding on the lot or lots so held by him as tenant, he, she or they shall be entitled to a discount for the value thereof, against the sum due for the rent of such estate, and may set off the same as other demands, before any tribunal having competent jurisdiction.

Trustees for the town of Jefferson to be elected annually.

Sec. 25. The owners of lots in the town of Jefferson, in the county of Jefferson, shall, on the first Saturday in March next, and on the first Saturday of said month in every year therefater, elect five fit persons as trustees for said town, who shall, when elected, continue to act until others shall have been duly elected.

Their powers.

Sec. 26. The said five trustees, when elected, shall have a right to take possession of all books and papers and other property belonging to said town; to appoint a clerk to their board, possess and exercise the same rights and powers, and perform the same duties as the trustees heretofore appointed for said town; and in all respects and particulars, not herein otherwise provided for, shall be governed by the laws now in force in relation to said town.

CHAP. CCCLXXVI.

An ACT to amend the Charter of the Bank of Green River.

Approved February 5, 1819.

SEC. 1. *BE it enacted by the General Assembly of the Commonwealth of Kentucky*, That the presi-

Bank to resume business, on certain conditions.

dent, directors and company of the Bank of Green River, be, and they are hereby authorised, in their corporate capacity, to resume their ordinary operations under the act entitled "an act to establish independent banks in this commonwealth," approved January 26th, 1818, upon the following terms and conditions, to wit:

1st. The president and directors of said bank shall be bound, jointly and severally, in their individual capacities, to pay and discharge in specie, all notes heretofore, or which may hereafter be thrown into circulation by said corporation, whether the same be payable to the bearer, or to any individual or individuals, or body corporate, to his, her, their or its endorsee.

2d. The notes heretofore thrown into circulation by said corporation, shall be paid and discharged as follows, to wit: One fifth in sixty days, one fifth in one hundred and twenty days, one fifth in one hundred and eighty days, one fifth in two hundred and forty days, and one fifth in three hundred days. And when the holder or endorsee of any note or notes heretofore issued by said corporation, shall present the same for payment, it shall be the duty of the president and cashier of said bank, to execute and deliver to such holder or endorsee, post notes, signed by the president and countersigned by the cashier; which post notes shall be for one fifth of the amount of notes presented for payment, and made payable in sixty, one hundred and twenty, one hundred and eighty, two hundred and forty, and three hundred days, as aforesaid, and which post notes shall bear interest from the 25th day of November, 1818, and shall be so expressed on the face of them.

3d. All notes heretofore issued by said corporation, and which are presented for payment, and shall not be taken up by post notes as aforesaid, may be protested by a notary public, and shall thereafter carry interest from the said 25th of November, at the rate of ten per centum per annum until paid.

4th. So much of the original charter as provides that the said corporation may redeem its notes

by the payment of notes on the Bank of Kentucky or its branches, and the Bank of the United States or its branches, to be repealed.

5th. All notes hereafter issued by said corporation, to be paid and discharged, when presented, in specie, and not to be taken up by post notes, as is provided for those heretofore issued.

6th. The president and directors of said corporation shall annually, on the day after their election, and before they enter on the discharge of their duties, during the continuance of the charter, execute bond to the commonwealth of Kentucky, in the penalty of fifty thousand dollars, conditioned well and truly to pay all debts contracted by said corporation, whenever the same shall be demanded, at the banking house or office of said corporation; which said bond may be put in suit from time to time, by any person or persons, or body corporate, injured by a breach of the condition thereof, and judgment obtained thereon; on which judgments execution shall issue at the option of the party for whose use the suit is brought, against the lands and tenements, goods and chattels, either of the said corporation or the said president and directors, or either of them, which executions shall be satisfied by levy and sale of the property seized, without allowing a replevin: *Provided,* twenty days' notice be given by the officer, of the time and place of sale, at two public places most convenient to the place of sale: *Provided also,* that said bond shall not be void on the first recovery of the penalty thereof: *And provided also,* that any director, elected or appointed to fill vacancies occasioned by death, resignation or otherwise, at any time after the stated annual election, shall, before he enters on the discharge of the duties of his office, enter into bond as aforesaid; which bond or bonds shall be filed in the clerk's office of the circuit court of Barren county, to be safely kept by the clerk, who shall attest the same.

7th. The stockholders in said corporation shall be bound individually, for the debts owing by the said corporation, hereafter contracted, to an amount equal to their stock, and no more. And

it shall and may be lawful for the holder or endorsee of any note or bill on said corporation, to institute an action of debt for the whole amount of his claim, against any stockholder, (having first demanded payment at the banking house of said corporation) and obtain judgment thereon; which judgment shall be carried into effect by execution, as in other cases: *Provided*, that no judgment shall be entered for a larger sum than the amount of stock owned by the stockholder against whom the suit is brought: *And provided also*, that all stockholders who have once paid an amount, exclusive of costs, equal to their stock, shall be exempt from future suits and actions, and shall also have a remedy by motion against their co-stockholders, in any court of competent jurisdiction, to coerce those who have not been sued and paid a sum equal to their stock, to contribute in proportion to their stock, to reimburse the stockholders against whom judgment has been obtained and the amount thereof satisfied.

8th. The president and directors shall publish annually, in some newspaper of this state authorised by law to insert advertisements, the names of all those who were stockholders on the day of the annual election for officers; and no transfer of stock made by a stockholder after suit is brought against him, shall defeat the action.

9th. The holders of notes heretofore issued by said corporation, who do not consent to receive post notes as aforesaid, shall not be entitled to institute suit on the bond of the president and directors, nor against a stockholder, until the expiration of three hundred days from and after the first day of March next, but shall be left to the remedy allowed by law.

President and directors to assent or dissent in a certain time, to or from the foregoing terms. If they assent, the conditions to form a part of the charter.

Sec. 2. *Be it further enacted*, That the president and directors shall signify their assent or dissent to the terms and conditions aforesaid, on or before the first day of March next, by a resolution of their board, in which two thirds shall concur; and if two thirds assent to the said term and conditions, the same shall constitute a part of the charter of said corporation, and shall thenceforward be obligatory on the same, to all

intents and purposes; and the said president and directors shall proceed thereafter, as soon as may be, to execute the said bond, in the penalty of fifty thousand dollars, and to file the same with said clerk as aforesaid.

Directors who dissent, to vacate their office, as also those who refuse to enter into bond.

Sec. 3. *Be it further enacted*, That if the president and directors of said corporation assent as aforesaid to the foregoing terms and conditions, by a concurrence of two thirds, and the president, or one or more of the directors, should dissent and refuse to enter into bond as aforesaid, it shall be lawful for those assenting to said terms and conditions, to declare the seats of those who dissent, vacated, and to proceed to fill the vacancies.

If they refuse to accept the conditions, they are allowed a period to close their concerns.

Sec. 4. *Be it further enacted*, That if the president and directors of said corporation do not assent to the terms and conditions aforesaid, by a concurrence of two thirds as aforesaid, (in which case they shall declare their dissent by a resolution of their board, and have the same published in some authorised newspaper, on or before the said first day of March next) it shall and may be lawful for the president, directors and company of the Bank of Green River, to transact all business in their corporate capacity, which by their original charter they might or could do, having the same right to sue and be sued, until the first day of July 1820; and all suits and actions commenced before said first day of July 1 20, by or against the president, directors and company of the Bank of Green River, shall be continued thereafter until the same shall be decided on its merits: *Provided*, that nothing in this section contained shall be so construed as to authorise said president and directors to issue or circulate notes on said corporation, or to exercise any banking powers whatever.

Proviso.

Continuance of this act.

Sec. 5. *Be it further enacted*, That this act shall continue in force for two years from and after the first day of July next, at the end of which period the charter of the Bank of Green River shall be, and the same is hereby repealed.

CHAP. CCCLXXVII.

An ACT to amend an act entitled "an act for the relief of Peter Sibert.

Approved February 6, 1819.

WHEREAS it has been represented to the present general assembly of the commonwealth of Kentucky, that an act passed at the session of 1816, authorising Peter Sibert to build a dam across the Beech fork of Salt river, for the purpose of erecting a water grist mill, without allowing the same to be re-built, should the same ever be washed away: Therefore,

BE it enacted by the General Assembly of the Commonwealth of Kentucky, That should said dam, or any part thereof, at any time be washed away or destroyed, the said Peter Sibert shall have the time of two years to re-build the same in: *Provided*, said dam shall be re-built according to the mode prescribed in the act to which this is an amendment.

CHAP. CCCLXXVIII.

An ACT to amend an act entitled "an act to amend an act incorporating the Lexington and Louisville Turnpike Road Company."

Approved February 6, 1819.

Powers of the Louisville and Shelbyville company curtailed.

SEC. 1. *BE it enacted by the General Assembly of the Commonwealth of Kentucky*, That so much of every law or laws as may give the Shelbyville and Louisville turnpike road company, the right to depart any distance from that part of the public road leading from Shelbyville to Louisville, which is situated between the bridge at Bullskin creek, in the county of Shelby, and John Netherton's, in the county of Jefferson, and so much of every law or laws as may give them the right, within the bounds aforesaid, to demolish any dwelling-house, and the uncontrolled power of establishing a turnpike road through and upon the improvements of individuals, is hereby repealed.

Sec. 2. *Be it further enacted*, That the same company, in establishing and making a turnpike road within the bounds aforesaid, shall pursue the public road now travelled and by law established, except otherwise permitted by this act. Where the road shall be made.

Sec. 3. *Be it further enacted*, That the same company may, and they are invested with full power to locate, establish and make a turnpike road upon and through any uninclosed lands within the bounds aforesaid, for the purpose of making a road as straight as practicable; and they may, and they are hereby invested with full power, for the purposes aforesaid, to enter into and upon any inclosure and improvements within said bounds, to locate, establish and make said road, provided the distance which said road may pass upon and through any one tenement, shall not exceed two hundred yards, without the consent of the respective owners thereof.

Sec. 4. *Be it further enacted*, That the said company, in carrying this act into effect, shall in all respects be governed by the laws now in force, except so far as the same may be repealed by this act.

And whereas experience has proved that side or summer roads should be constructed for the use of footmen, or persons on horseback, and not for waggons and carriages: Therefore,

Sec. 5. *Be it further enacted*, That the president, directors and company of the Frankfort and Shelbyville turnpike road, in constructing the side and summer roads, shall not be required to make them more than six feet wide on each side of the stone or paved road. Summer roads how to be constructed.

Sec. 6. The said last mentioned company, so soon as they shall have completed five miles of the said road, commencing at the Frankfort permanent bridge and proceeding westwardly, or five miles commencing at Shelbyville and proceeding eastwardly, shall be entitled to receive toll from passengers, upon conforming to the provisions of said laws in other respects. No toll-gate shall be fixed by said last mentioned company, within less distance than one mile of the towns of Frankfort and Shelbyville. May fix gates as soon as five miles of the road is completed.

Repealing clause.

Sec. 7. *Be it further enacted*, That all laws coming within the purview of this act, are hereby repealed; but all laws not hereby expressly repealed, are ratified and confirmed.

CHAP. CCCLXXIX.

An ACT appropriating the Bonus of the Farmers and Mechanics' Bank of Lexington to the Transylvania University for two years.

Approved February 6, 1819.

Bonus appropriated.

Sec. 1. *BE it enacted by the General Assembly of the Commonwealth of Kentucky*, That the bonus or tax imposed by the laws of this commonwealth upon the Farmers and Mechanics' Bank of Lexington, be, and the same is hereby appropriated to the use and for the benefit of the Transylvania University.

To be received by the chairman of the board of trustees.

Sec. 2. *Be it further enacted*, That whenever the said bonus or tax shall become due and payable, the chairman of the board of trustees of said University, is hereby authorised to call on the cashier of said bank for the amount of said bonus or tax, and it shall be the duty of said cashier of said bank for the time being, to pay over the same to the said chairman for the time being, which payment shall release and discharge said bank from the claim of the commonwealth to such bonus or tax.

How recovered, in case of a failure to pay by the cashier.

Sec. 3. *Be it further enacted*, That if at any time the cashier of said bank should fail or refuse to pay said bonus or tax to the said chairman when it shall become due, it shall be the duty of the said chairman to notify the auditor of public accounts of this commonwealth of such failure or refusal, whose duty it shall be immediately to proceed to recover by law the amount of said bonus or tax, with interest; and so soon as the same shall be recovered and paid into the treasury of this commonwealth, it shall be the duty of said auditor to grant to the said chairman, upon application, a warrant on the treasury of this commonwealth for the amount so recover-

ed and paid into the treasury, and all damages and interest thereon.

This act shall be in force for and during the term of two years, and no longer. Appropriation to continue 2 years.

CHAP. CCCLXXX.

An ACT to amend and continue in force for a longer period the Charter of the Bank of Kentucky.

Approved February 6, 1819.

SEC. 1. *BE it enacted by the General Assembly of the Commonwealth of Kentucky*, That the laws incorporating the president, directors and company of the Bank of Kentucky, as now in force, shall continue and remain in force until the end of the year one thousand eight hundred and forty-one; subject, however, to the following amendments: The charter continued until the end of the year 1841.

Sec. 2. No person shall act as a director of the Bank of Kentucky, or of any of the branches, who shall not be the owner of five shares in the capital of said bank. Not more than two thirds of the directors of the Bank of Kentucky, or of its branches, who are in office at the time of an annual election, shall be elected for the next succeeding year; and no director shall hold his office more than three years out of four in succession. Nothing in this section shall be construed to relate to the president of the bank, or any of the branches. Qualifications of directors, & their continuance in office, &c. Proviso.

Sec. 3. *And be it further enacted*, That the president of the Bank of Kentucky shall annually make a return to the clerk of the house of representatives, and the secretary of the senate, on or before the third day of each session of the general assembly, of the names of all the presidents, directors and other officers of its branches. President to make an annual return of the names of the presidents, directors and officers of the branches.

Sec. 4. The stockholders resident in the county where a branch of the bank may be located, and those resident in any adjoining county in which a branch may not be located, shall, at such time and manner as shall be prescribed by the by-laws of the corporation, recommend (by votes Mode of appointing directors of the branch banks.

according to their stock) as many persons for directors as shall be allowed to the branch. And the directory of the Bank of Kentucky shall appoint at least three fourths of the directors of such branch from said list.

Regulations as to loans to directors.

Sec. 5. A director of the bank, or of the branches, may have on loan, in addition to the sum now allowed by law, a sum not exceeding one half of the amount of the stock held by such director in the institution: *Provided, however,* that the directory of the Bank of Kentucky may limit the amount which the directors of any of the branches may have on loan.

Proviso.

Restrictions as to the amount of endorsements by directors.

Sec. 6. A director shall not be an endorser on notes discounted, to a greater amount than ten thousand dollars: *Provided, however,* that the endorsement of a note given to a director on a real transaction, shall not preclude the note from discount, on its being properly and sufficiently endorsed by others, exclusive of such director.

Restrictions on the establishment of additional branches.

Sec. 7. No additional branch bank shall be established without the concurrence of two thirds of the directors elected by the state, and two thirds of those elected on behalf of the stockholders, nor without the assent of the general assembly.

Branches may be withdrawn.

If a branch shall at any time prove unproductive, (that is, does not yield a fair bank profit, after paying its due proportion of expences) it shall be the duty of the directory to withdraw such branch.

Visiters to be appointed.

Sec. 8. The stockholders shall at their annual meeting elect one visiter, and the legislature may annually by joint ballot elect another, who shall not be directors of the bank or either of its branches, or members of either branch of the general assembly.

Their powers and duty.

The visiters shall have full power and authority, at all times and on all occasions, to enter into the bank and its branches, to examine the funds on hand, the books, papers, dealings and transactions of every kind, of the bank and its branches; to require statements and explanations, in writing or verbal, of their dealings and course of business. And whenever they shall be of opinion that the interest of the institution requires it, they shall make reports, gen-

eral or special, to the stockholders, or to the general assembly, or to the public. The stockholders may authorise the visiters to appoint deputies or substitutes; they may, on extraordinary occasions, allow them compensation for their trouble, or may increase their numbers.

Stockholders may make them compensation for their services.

Sec. 9. It shall be the duty of the president and directors to prepare by-laws, and submit them to the legislature at their next session, and the stockholders at their next general meeting; when, if the general assembly or stockholders do not dissent from such by-laws, they shall be considered adopted.

President and directors to prepare by-laws, and submit them to stockholders and legislature for approval.

Sec. 10. The president and directors may at any time purchase in any stock pledged to them, and which it shall become necessary to sell.

May purchase stock pledged to them.

Sec. 11. If any stockholder shall be desirous of withdrawing his stock from the institution, at the expiration of the term for which the bank was first incorporated, it shall be his duty to give notice of such intention, in the month of January in the year 1821, and cause the same to be entered in a book to be provided for that purpose. On such notice, the president and directors shall take such measures as may be most expedient, for paying such stock in the course of that year, in such mode as may be mutually agreed on; or for paying off such stock, with its due proportion of dividends, and surplus of profit, at the end of the year.

Stockholders under present charter may withdraw their stock and proportion of profits.

Sec. 12. *And be it further enacted*, That for the purpose of ascertaining the true amount due each individual stockholder so withdrawing his stock, it shall be the duty of the president and directors of the Bank of Kentucky to cause the real and personal property of the bank to be valued by commissioners by them appointed for that purpose; and the said commissioners shall, before they enter on the duties aforesaid, take an oath to make a true and fair valuation of all property which they shall be requested to value.

Mode of ascertaining the amount due each stockholder.

Sec. 13. An executor or administrator of a deceased stockholder, and the guardian or parent of an infant stockholder, may give the notice for

Ex'rs, adm'rs. and guardians may withdraw stock, &c.

withdrawing the stock, within the provisions of this act.

Annual tax to be paid on each share, after 1821.

Sec. 14. From and after the last day of December 1821, there shall be paid by the said bank an annual tax or bonus of fifty cents on each hundred dollars of the capital stock thereof.

Members of the legislature not to be president or directors of the bank or branches.

Sec. 15. *Be it further enacted*, That no person shall be eligible to the office of president or director of the principal bank, or any branch thereof, who may be a member of either house of the general assembly of this commonwealth; and any president or director of the principal bank, or any of its branches, who shall be elected to either house of the general assembly, shall by his election to the general assembly vacate his office as president or director, and be ineligible one year thereafter; and the vacancy shall be filled in the same manner as if it had taken place by death or resignation.

Mode of proceeding against the bank to declare its charter forfeited.

Sec. 16. *And be it further enacted*, That it shall be lawful for the attorney-general to sue out a *scire facias* against the Bank of Kentucky, in the general court, summoning the president, as the representative of the said bank, to show cause why the charter of said bank shall not be declared forfeited. And the attorney-general shall file a statement of those facts by which the said bank may have forfeited its charter, upon which an issue shall be made up and a trial had; and if the issue is found against the bank, the court shall declare the charter forfeited; after which the said bank may sue and be sued in its corporate name for two years, for the purpose of winding up its affairs, and not longer.

Salaries of the officers of the bank & branches to be fixed by law.

Sec. 17. *Be it further enacted*, That the salaries of the president, cashier and other officers of the bank and its branches, shall be fixed by law.

Reservation of power by the legislature, to repeal, &c.

Sec. 18. Nothing in this act shall be so construed as to take from future legislatures the right to repeal this act of incorporation.

CHAP. CCCLXXXI.

An ACT to regulate the practice of the General Court in certain cases.

Approved February 6, 1819.

BE it enacted by the General Assembly of the Commonwealth of Kentucky, That in all cases of orders of publication against absent defendants, taken in the general court, where said order shall have been regularly made, and a copy thereof returned and filed in the cause, and proved or certified as heretofore, three months before any succeeding term of said court, it shall and may be lawful for the court thereupon to proceed at the next term to make such decree as to the court may seem lawful and right, any law to the contrary notwithstanding.

CHAP. CCCLXXXII.

An ACT to amend the several acts authorising changes of Venue in civil cases.

Approved February 6, 1819.

Circuit judge may award change of venue, in cases where he cannot adjudicate.

SEC. 1. *BE it enacted by the General Assembly of the Commonwealth of Kentucky*, That whenever a circuit judge shall, from any cause, be of opinion he ought not to adjudicate on a cause depending before him, it shall, on the application of either party, be his duty, on the calling of the cause, or at any other time, on motion, both parties, by themselves or counsel, being present when such motion is made, to order the suit for trial to the circuit, the court-house of which is nearest to that in which the cause is depending, but to which there is no good cause of objection. Either party may pay the costs of the removal, which shall be certified by the clerk and taxed in the bill of costs.

A second change may be had.

SEC. 2. In cases where a cause has been removed by a change of venue, and another judge shall be appointed to preside in the circuit to which the removal has been made, if there be cause of objection to such judge, either party may

obtain a removal by change of venue, as to the matters relating to the judge, in the same manner as if the cause had never been removed.

May be had after issue.

Sec. 3. All laws prohibiting the removal of a cause by change of venue, after issue joined, shall be, and are hereby repealed.

CHAP. CCCLXXXIII.

An ACT to explain the Fees of Sheriffs in certain cases.

Approved February 6, 1819.

WHEREAS doubts have been entertained as to the allowance made to sheriffs of this commonwealth for conveying criminals from one county to another, or to the penitentiary:

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the several sheriffs of this commonwealth shall hereafter receive twelve and a half cents for each mile they may necessarily travel in going to, and returning from conveying a criminal from his county to any other county, or to the penitentiary, to be paid out of the public treasury as heretofore.

CHAP. CCCLXXXIV.

An ACT to erect Election Precincts in the Counties of Estill and Henderson.

Approved February 6, 1819.

Boundary of Estill precinct

Sec. 1. *BE it enacted by the General Assembly of the Commonwealth of Kentucky*, That all that part of Estill county, contained within the following boundary, viz. Beginning where the Clay and Estill line crosses Sturgeon creek; thence down the said creek to the mouth; thence on a straight line to the Estill and Montgomery line, at the head of lower Devil's creek; thence with the Estill line binding on Montgomery, Floyd and Clay counties, to the beginning, shall be, and the same is hereby erected into an election precinct; and the qualified voters may at all

elections meet and give their votes at the house of Archibald Crawford, in said precinct: *Provided*, that all citizens of said precinct may either vote at the court-house or in said precinct.

Estill court shall appoint officers.

Sec. 2. *Be it further enacted*, That the county court of Estill, shall, at the time of appointing a clerk and judges to preside at the court-house, appoint a clerk and judges to conduct the election in the precinct; and if either of the judges or clerk shall fail to act, the vacancy shall be filled in the manner prescribed by law in similar cases.

When and where polls to be compared.

Sec. 3. *Be it further enacted*, That the sheriff of said county shall, by himself or deputy, attend the election in the precinct hereby established, and conduct the same according to the rules now prescribed by law for conducting elections; and shall, on the Thursday succeeding the close of the election, meet at the court-house in said county, and on comparing the polls shall give a certificate and make the returns required by law.

Boundary of Henderson precinct.

Sec. 4. *Be it further enacted*, That all the southern part of Henderson county, contained in the following bounds, to wit: Beginning at the mouth of the Beaver Dam fork of Highland creek; thence running up said fork to Alexander Ramsey's old place; thence eastwardly so as to strike Smith's ferry road opposite to Elijah King's old place, and with said road to Smith's ferry upon Green river, shall be an election precinct of Henderson county; and the qualified voters may at all elections meet at the house of John Harvey, in said precinct, and give their votes: *Provided*, that all citizens may vote at the court-house, or in said precinct.

Shall appoint officers.

Sec. 5. *Be it further enacted*, That the county court of Henderson shall, at the time of appointing judges and a clerk to conduct the election at the court-house, appoint a clerk and judges to conduct the election in the precinct; and if the clerk, or either of the judges, shall fail to act, the vacancy shall be filled in the manner prescribed by law in similar cases.

Sec. 6. *And be it further enacted*, That the sheriff of said county shall, by himself or deputy, attend the election in the precinct, and shall con-

When and where polls to be compared.

duct the same according to law; and shall, on the Thursday succeeding the close of the election, meet at the court-house in said county, and compare the polls according to law.

CHAP. CCCLXXXV.

An ACT for the relief of Elizabeth Armstrong.

Approved February 6, 1819.

Recital.

WHEREAS it is represented to the present general assembly, that about the year 1813, a certain Benjamin D. Armstrong came to this state, and shortly thereafter married a certain Elizabeth Scott, with whom he lived a short time, and it was then reported and believed that the said Benjamin D. Armstrong had, at the time of his said marriage, a wife living in the state of Tennessee, and that upon his hearing said report, [he] left his said wife Elizabeth, and has never since returned to her: Therefore,

Divorced.

BE it enacted by the General Assembly of the Commonwealth of Kentucky, That the bonds of matrimony solemnized between the said Elizabeth and Benjamin D. Armstrong, so far as respects the said Elizabeth, be, and the same are hereby set aside and declared null and void.

CHAP. CCCLXXXVI.

An ACT authorising certain County Courts to appoint Port Wardens, and prescribing their duties.

Approved February 6, 1819.

Court of Jefferson, when to appoint port wardens.

SEC. 1. *BE it enacted by the General Assembly of the Commonwealth of Kentucky*, That the county court for the county of Jefferson, at their March or May term next, and at their March, April or May term in every year hereafter, shall appoint four suitable and discreet persons, residing in the towns of Louisville, Shippingport or Portland, to be port wardens for said county, who shall hold their respective offices for one

year, or until others shall be appointed in their places by said court; and in case any such officer shall remove his residence out of said towns, such removal shall be taken and deemed a resignation of his said office, and the county court shall fill such vacancy by a new appointment at the next session.

Wardens to take an oath.

Sec. 2. Before any person so appointed shall enter upon or perform any of the duties of his office, he shall make oath, before the clerk of the county court, faithfully and impartially to discharge all the duties of a port warden, as by this act are hereinafter declared; which oath shall be duly recorded; and the clerk shall thereupon deliver to such port warden a certificate of his appointment, under the seal of the county.

Duty of wardens.

Sec. 3. It shall be the duty of either one of said wardens, on application of any person, to repair on board any boat, barge or craft navigating the rivers within the precincts of said county, and examine the condition of such boat, barge or craft, and also the condition of any cargo or lading on board the same; and also, on like application, to attend at the lading or unlading of any such boat, barge or craft, for the purpose of examining, surveying and noting the condition of such cargo or lading, and the storage thereof; and it shall be the duty of each of said wardens to keep a fair record of their doings by virtue of said office, and to give copies and certificates thereof, under his hand and seal, to any person, on application; and all such copies and certificates shall be taken and deemed *prima facie* evidence of the facts therein duly stated.

To keep record.

To give copies

Their fees.

Sec. 4. There shall be paid to each warden, for his services, by the person applying for the same, the following fees, to wit:

For inspection of each boat, barge or craft, or cargo thereof,	$ 1
Attending at the lading or unlading of each boat, barge or craft,	1
And if detained at such attendance more than one hour, for each hour in addition,	50
Each certificate or copy of record,	50

Court of Mason authorised to appoint war dens, and their duties.

Sec. 5. The county court of Mason shall be, and is hereby authorised to appoint three port wardens, resident in the town of Maysville, for the county aforesaid; and the said court shall exercise the same powers respecting the appointment of said officers, that are herein previously granted to the county court of Jefferson; and the said port wardens, for the said county of Mason, shall perform the same duties on the river Ohio, within the limit of said county of Mason, and be entitled to receive the same fees, that are prescribed and allowed by this act to the port wardens of the county of Jefferson, for similar services.

Livingston, authorised to appoint wardens, & their duties.

Sec. 6. The county court of Livingston shall be, and is hereby authorised to appoint three port wardens, resident in or near the town of Smithland, for the said county; and the said court shall exercise the same powers respecting the appointment of said officers, that in the preceding section are granted to the county court of Mason; and the said port wardens for the said county of Livingston, shall perform the same duties on the navigable waters within the limits of said county of Livingston, and be entitled to receive the same fees, that are herein previously prescribed and allowed to the port wardens of the county of Mason, for similar services.

CHAP. CCCLXXXVII.

An ACT to erect the County of Owen out of the Counties of Franklin, Scott, Gallatin and Pendleton.

Approved February 6, 1819.

Preamble.

WHEREAS it is represented to the present general assembly of the commonwealth of Kentucky, that a number of good citizens within the limits of the counties of Franklin, Gallatin, Scott and Pendleton, labor under great inconveniences in attending at their present seats of justice, owing to the distance and badness of the road which they have to travel, and are desirous of erecting a new county, by taking portions of each of these counties: For remedy whereof,

Sec. 1. *Be it enacted*, That all that part of the counties of Franklin, Scott, Gallatin and Pendleton, contained in the following boundary, to wit: Beginning on the Kentucky river, at William Basset's old place, about one mile below the mouth of Elkhorn, and running eastwardly between the waters of the Long branch and Cedar creek, crossing Steele's, or the Ridge road, at or near the seven mile tree; thence to Early Scott's mill on Lytle's fork of Big Eagle creek, leaving said Scott in Scott county; thence to Stafford Jones' mill, on Main Eagle, leaving said Jones in Scott county; thence a straight line to where the Harrison and Scott line strikes the Pendleton line; thence with the Pendleton line; thence a straight line to the intersection of the Franklin, Pendleton and Gallatin lines; thence a straight line to the mouth of the upper Twin creek, on the Kentucky river; thence up the Kentucky river to the beginning, shall, from and after the first day of April next, constitute a distinct county, to be called and known by the name of OWEN, in honor of colonel Abraham Owen, who was killed at the battle of Tippecanoe, in the fall of 1811. Boundary of Owen county.

Sec. 2. The courts of the said county of Owen shall be held on the second Monday in every month, except the months in which circuit courts are held, and the said circuit courts shall be held on the second Mondays of May, August and November, annually, which may continue six days each term, if necessary, in such manner as is provided by law in respect to other circuit courts; and the county of Owen shall form a part of the third judicial district, and the circuit judge assigned to that district shall attend and hold the circuit court for Owen county. Time of holding courts.

Sec. 3. The justices named in the commission of the peace for the said county of Owen, shall meet at the house of Jacob Hesler, on the first court day after said division shall take place, and having taken the oaths prescribed by law, and the sheriff being duly qualified, the court shall proceed to appoint and qualify their clerk. Place of holding courts. County court to qualify a sheriff & clerk

Sec. 4. That Francis P. Blair, William Church, John Ficklin, James Harwood, William Com'rs. to fix the seat of justice.

Steele, Thomas Woolfolk and James Gough, or any three of them, shall be, and they are hereby appointed commissioners, to meet at the house of Jacob Hesler, on the first Monday in April next, or as soon thereafter as may be convenient; who being first duly sworn by some justice of the peace for said county, shall proceed to view and fix upon the proper place for the permanent seat of justice in and for said county, as nearly central as the situation and the nature of the case will permit; and having fixed upon such place, the seat of justice shall there be established, and the court shall cause public buildings to be thereon erected: *Provided, however*, that when the commissioners shall have fixed upon a place in the said county for the seat of justice thereof, they shall, under their hands and seals, forthwith certify the same, together with a plat of the ground, to the county court, who shall cause the same to be entered of record, and shall immediately proceed to contract for the said land. And the court for the said county shall levy, in their next county levy, two dollars per day each, for each day the said commissioners shall be travelling to, attending and returning from the business, under this act, to be done by each of them, to be accounted for in the same manner that other county levies are collected and accounted for.

County court to erect public buildings.

Allowance to comm'rs. to be paid out of the county levy.

Sec. 5. It shall be lawful for the sheriffs of the counties of Franklin, Scott, Gallatin and Pendleton, to make distress for any public dues or officers' fees, unpaid by the inhabitants of said county of Owen, at the time such division shall take place, and they shall be accountable in like manner as if this act had not been passed.

Officers to make collections and execute process, in the parts taken from their respective counties.

Sec. 6. The courts of Franklin, Scott, Gallatin and Pendleton, shall have jurisdiction over all actions and suits at law or equity, depending in their respective counties at the time of said division, and shall try and determine the same, issue process and award execution thereon.

Courts to retain jurisdiction.

Sec. 7. That the circuit and county courts of said county of Owen, shall be held at such place within said county as the said courts may respectively deem proper, until the public buildings shall

Circuit courts, where to be held.

be erected at the permanent seat of justice, after which said courts shall be held in said buildings.

Sec. 8. The voters included in the county of Owen, shall, until otherwise directed by law, continue to vote as heretofore. Citizens to vote as heretofore.

CHAP. CCCLXXXVIII.

An ACT for the benefit of the heirs of Henry Garrard, deceased.

Approved February 6, 1819.

WHEREAS it appears that by virtue of a certificate, No. 274, granted to Ezra Owens, by the county court of Henderson, a location was made of four hundred acres of land in said county, and surveyed in the name of said Owens, and the plat and certificate of said land returned to the register's office, and that the said Owens sold said land to Henry Garrard, for a valuable consideration, which has been paid; that the said Garrard has departed this life, leaving Eliza E. Garrard, Eleanor H. Garrard, Henry Garrard and Caroline M. Garrard, infant heirs at law; and that the said Owens has left the state; and further, that the said land was sold by the register as the land of said Owens, for the second instalment, and was then redeemed by the friend of said heirs, for their benefit, and have since paid the whole of the state price, and have the treasurer's receipt in full for the same, but the register is unauthorised to issue a patent for the same to the said heirs: Recital.

Sec. 1. *Be it therefore enacted by the General Assembly of the Commonwealth of Kentucky*, That the register be authorised to issue a patent to said heirs of Garrard, agreeable to the survey made for said Owens, the plat and certificate whereof have been returned to the office. Register to issue grant to them for 400 acres of land.

Sec. 2. *Be it further enacted*, That nothing in this act contained shall be construed to prevent the said Owens, or his representatives, from instituting any suit or suits in chancery, within the period prescribed by law, for the purpose of es- Proviso.

tablishing any right they may have to the land aforesaid, or the rents and profits thereof, under those rules and restrictions which govern courts of chancery in similar cases.

CHAP. CCCLXXXIX.

An ACT further to regulate the proceedings of the County Court of Fayette.

Approved February 6, 1819.

To hold court every month.

BE it enacted by the General Assembly of the Commonwealth of Kentucky, That the county court of Fayette county, shall be, and is hereby authorised to hold a court on the second Monday in every month, under the regulations now existing as to county courts, and to continue the same from day to day, so long as the business of said court may require, any law to the contrary notwithstanding.

CHAP. CCCXC.

An ACT to establish the true Line between the Counties of Floyd and Greenup.

Approved February 6, 1819.

Recital.

WHEREAS a difficulty exists between the counties of Floyd and Greenup, upon the subject of the line dividing said counties, and it being desirable that harmony should prevail, and all disquietudes put to rest between them: Therefore,

Surveyor of Bath to run & mark the line.

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the county surveyor of the county of Bath, shall be, and he is hereby constituted and appointed as a proper person to run and distinctly mark the line between the counties of Floyd and Greenup, agreeably to the act of assembly passed the 13th December 1799, which act provides for the erection of Floyd county.

His fees.

Sec. 2. *Be it further enacted*, That the said surveyor shall be authorised to receive, for travel-

ling to and from his place of residence to the beginning point, which is at the head of Little Sandy river, one dollar and fifty cents for every twenty-five miles, and for running the line the same fees that are now allowed surveyors for similar services; and he is hereby authorised to employ chain-carriers and a marker, who shall be entitled to receive for their several services one dollar and fifty cents each per day, for the time they may be necessarily employed in the discharge of the said services; and it shall be the duty of the said surveyor to make out duplicate accounts for his own services, as well as the persons he may employ for the above recited purposes, which several duplicate accounts shall be filed with the county courts of Floyd and Greenup—one half of which shall be paid by the county of Floyd, and the other half by the county of Greenup. And the county courts of each county, if they think fit, may appoint a commissioner from each county to superintend the running of the said line; and it shall be the duty of the said surveyor to notify the county courts of each county, at what time he will attend to the running of the same.

To employ chain-carriers and marker.

Their compensation.

To be paid equally by each county, &c.

Sec. 3. *Be it further enacted*, That a return of the proceedings of the surveyor shall be made to the county courts of each county, with a description of the marks on said line, as well as any natural marks that can be ascertained on said line. The county courts of each county shall enter on their records the reports as aforesaid, which shall be established as the true line between the said counties.

Surveyor to make returns to the county courts, who are to record them

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CHAP. CCCXCI.

An ACT to alter and amend the law concerning Usury.

Approved February 6, 1819.

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That no person shall hereafter, upon any contract, take, directly or indirectly, for loan of any money, wares and

merchandize, or other commodity, above the value of six pounds for the forbearance of one hundred pounds for a year, and after that rate for a greater or lesser sum, or for a longer or shorter time. All bonds, contracts, covenants, conveyances or assurances, hereafter to be made, for payment or delivery of any money or goods so to be lent, on which a higher interest is reserved or taken than is hereby allowed, shall be utterly void, so far as relates to usurious interest; but the amount so loaned, with lawful interest thereon, he, she or they shall be entitled to recover: *Provided, nevertheless,* that if the lender shall refuse to receive the principal, with lawful interest, on a tender thereof previous to the institution of a suit for recovery, he, she or they so refusing shall pay the costs of said suit; but in no case, either at common law or in chancery, or in any other way, shall the lender be prevented from recovering the debt, with lawful interest thereon.

Rate of interest fixed.

All bonds, &c. void as to usurious interest only.

Proviso.

Sec. 2. All acts or parts of acts coming within the purview of this act, shall be, and the same are hereby repealed. This act shall commence and be in force from and after its passage: *Provided,* that nothing in this act contained shall be so construed as to affect any contracts heretofore made.

Repealing clause.

CHAP. CCCXCII.

An ACT concerning the marriage of Milton Gray.

Approved February 6, 1819.

Sec. 1. *BE it enacted by the General Assembly of the Commonwealth of Kentucky,* That it shall and may be lawful for Milton Gray to sue out of the office of the circuit court for the county of Woodford, a writ against Elizabeth Gray, which writ shall be framed by the clerk to express the nature of the case, and shall be executed by the sheriff, returnable to the next circuit court for the county; and whenever he has executed the same, or has left a copy at the usual place of residence of the defendant, the plaintiff may file his declaration in said cause, and the defendant may ap-

Mode of proceeding to annul the marriage contract with his wife.

pear and plead to issue; in which case, or if she does not appear within two months after such service, it shall be set for trial by the clerk on some day in the succeeding court, but may, for good cause shown to the court, be continued to the succeeding term.

Sec. 2. Commissions to take depositions, and subpœnas to summon witnesses, shall issue as in other cases. A jury shall be summoned, who shall be sworn well and truly to inquire into the allegations contained in the declaration, or to try the issue joined, (as the case may be) and shall find a verdict according to the usual mode; and if the jury, in case of issue joined, shall find for the plaintiff, or in case of inquiry into the truth of the allegations contained in the declaration, shall find in substance that the defendant had, prior to her marriage with the plaintiff, and before her removal to this state, been delivered of a mulatto child, the verdict shall be recorded, and thereupon the said marriage between the said Milton Gray and the said Elizabeth, shall be totally dissolved, unless it shall appear said Gray was apprised of said fact before his marriage: *Provided, however*, that the said Milton Gray shall, before a decree shall be pronounced according to the provisions of this act, enter into bond with security, to be approved by the court, in the penalty of three thousand dollars, payable to William Pullin, in trust for the defendant, conditioned for the restitution to the said defendant of all the property which the said plaintiff may have received by or from her, either before, at the time or posterior to the marriage, in kind, if it can be effected; and for so much thereof as cannot be returned in kind, an equivalent therefor shall be paid to her in money by the plaintiff.

The facts necessary to be established on the trial to authorise a divorce.

Proviso.

CHAP. CCCXCIII.

An ACT for the benefit of Hetty Hall and others.

Approved February 6, 1819.

Recital.

WHEREAS it is represented to the present general assembly, that Hetty Hall is a widow, with several children, and an object of charity:

Register to issue a grant to Hetty Hall for 200 acres of land.

Sec. 1. *Be it therefore enacted by the General Assembly of the Commonwealth of Kentucky*, That the register of the land-office is authorised and directed to issue a patent to Hetty Hall for two hundred acres of land, surveyed and registered by virtue of a Lincoln county court certificate, without the auditor's quietus for the state price being paid on said land, any law to the contrary notwithstanding.

Also to the widow & children of Thos. Meadows, for 100 acres.

Sec. 2. *Be it further enacted*, That upon the county court of Whitley county certifying to the register of the land-office, the proper names of the children of Thomas Meadows, the said register shall be, and he is hereby authorised to issue to the said children a grant for one hundred acres of land, as if the whole of the state price had been paid—the said hundred acres being the same whereon the said children and Elizabeth Meadows, their mother, now lives, it being a part of four hundred acres drawn and entered in the name of Israel Mayfield.

The widow to have the use of the land during life.

Sec. 3. *Be it further enacted*, That the said Elizabeth Meadows shall have the use and benefit of the said grant, for and during her life, unless she shall leave or abandon the same; then and in that case the said land, with all its appurtenances, shall pass to the said children in co-parcenary.

CHAP. CCCXCIV.

An ACT for the benefit of Joseph C. Belt.

Approved February 6, 1819.

WHEREAS it is represented to the general assembly, that doubts are entertained as to the validity of an order of the Fleming county court,

made upon the application of Nathaniel Foster, he having then only the legal title to one undivided third part thereof, the legal title to the other two thirds being in the heirs of Charles Marshall and Simon Morgan; and whereas Joseph C. Belt claims fifty-six acres, part and parcel of said land condemned as aforesaid, by purchase from Thomas Dougherty, and that it is unjust to charge the said Belt with town tax: Wherefore,

BE it enacted by the General Assembly of the Commonwealth of Kentucky, That the jurisdiction of the trustees of the town of Flemingsburg, over said fifty-six acres of land, shall cease, and the same is no longer to be considered as part of said town, and that the same be hereafter exempted and declared free from taxation and the municipal regulations of said town.

CHAP. CCCXCV.

An ACT for the benefit of the Bethel and Bourbon Academies.

Approved February 6, 1819.

BE it enacted by the General Assembly of the Commonwealth of Kentucky, That so much of the act approved the 26th day of January, 1815, as authorises the investment of the proceeds of sales of seminary lands in bank stock, be, and the same is hereby repealed, so far as it relates to the trustees of the Bethel and Bourbon academies; and the said trustees of said academies, respectively, are hereby authorised to appropriate the monies arising from the sales of any lands of said academies to the erection of the necessary buildings and improvements for the use of their respective academies.

CHAP. CCCXCVI.

An ACT to amend the law to suppress riots, routs and unlawful assemblies of the People.

Approved February 6, 1819.

Ca. sa. may issue against the person convicted.

BE it enacted by the General Assembly of the Commonwealth of Kentucky, That it shall be lawful for any justice of the peace rendering judgment upon the verdict of a jury, acting under the provisions of an act entitled "an act to suppress riots, routs and unlawful assemblies of the people," approved December 21st, 1802, in case of default of payment, to issue an execution against the body or estate of the person or persons convicted, which may be renewed from time to time until the whole of the judgment and costs be satisfied, and if necessary, directed to, and executed by any sheriff or constable in this commonwealth.

CHAP. CCCXCVII.

An ACT adding part of Christian County to the County of Caldwell.

Approved February 6, 1819.

Boundary.

SEC. 1. *BE it enacted by the General Assembly of the Commonwealth of Kentucky*, That from and after the first day of March next, all that part of the county of Christian, within the following bounds, shall be added to, and compose a part of Caldwell county, to wit: Beginning where the line that divides Christian and Caldwell counties crosses the road that runs from Eddyville to Hopkinsville, by the way of the house of the late Andrew George; thence with the said Hopkinsville road to the Muddy fork of Little river; thence up the said fork to the old Buffalo ford; thence a straight line to Andrew Cally's horse-mill; thence due north to the Hopkins' county line; thence with the same to the Caldwell county line, and with the same to the beginning.

Sec. 2. *Be it further enacted*, That the circuit and county courts of Christian, shall have cog-

nizance of all matters and things within the said bounds, which may or shall have originated before the said first day of March next, in the same manner as they would have done if this law had not passed; and the sheriff and other collectors of the county of Christian, may collect all monies or public dues from the citizens within the said bounds, which shall have fallen due before the said first day of March next. Provision as to the jurisdiction of courts, &c.

Sec. 3. *Be it further enacted*, That the qualified voters within the said bounds, shall continue to vote with the other citizens of Christian county as heretofore, until the next apportionment of the representatives for this commonwealth; but in order that they may be attached to the county of Caldwell at the next apportionment as aforesaid, the commissioners of the tax for the county of Caldwell, shall take down and return a list of all those entitled to vote, with the books of Caldwell county, previous to said apportionment. Citizens, where to vote, &c.

CHAP. CCCXCVIII.

An ACT to incorporate the Burlington and Cynthiana Library Companies.

Approved February 8, 1819.

Sec. 1. *BE it enacted by the General Assembly of the Commonwealth of Kentucky*, That the present, and those who may hereafter become shareholders of the Burlington library, and their successors, be, and they are hereby made and constituted a body politic and corporate, by the name of the Burlington Library Company; and by that name shall have perpetual succession, and a common seal, with power to break, alter or change the same at pleasure. Burlington library company incorporated.

Sec. 2. *Be it further enacted*, That the said corporation shall have full power to buy and receive, sell and convey any such property as they may deem necessary for the advantage of said corporation. Corporate powers and privileges.

Sec. 3. *Be it further enacted*, That the said library company may meet when and where they

may think proper, and when met a majority of them may proceed to transact the busines of said corporation; to elect such directors, and vest them with such powers as may be necessary for the government of said company, who shall continue in office, and fill all vacancies in their own body, for such time as they may have been elected, and until others are elected by a general meeting; also, to fix the price of shares, and the manner in which those shares shall be transferred.

Elect directors, &c.

Sec. 4. *Be it further enacted*, That the said company shall have power to collect such subscriptions as are already made, as well as those that shall hereafter be made; and continue in force such by-laws and regulations as are heretofore made, as well as those that may hereafter [be] made: *Provided, nevertheless*, the said company shall make no law, rule or regulation contrary to the laws of this commonwealth.

To collect subscriptions and make by-laws, &c.

Proviso.

Sec. 5. *Be it further enacted*, That Samuel Endicott, John Trimble, James R. Currey, John H. Coleman, Joseph Taylor, David M'Fall and William K. Wall, and their successors, duly elected or appointed in manner hereinafter directed, be, and they are hereby made, declared and constituted a corporation and body politic, in law and in fact, to have continuance forever, by the name, style and title of the Directors of the Cynthiana Library Company.

Cynthiana library company incorporated.

Sec. 6. *Be it further enacted*, That all and singular the sums of money, books, goods and chattels which may be subscribed, given, granted or devised to the said company, or to any person or persons for the use thereof, shall be vested in, and confirmed to the said corporation; and the said corporation may take and receive any sum or sums of money, or any goods, chattels or other effects, of what kind or nature soever, which shall or may be given, granted or be bequeathed unto them by any person or persons, bodies politic or corporate, capable of making such gift or bequest; such money, goods, chattels or other effects to be laid out and disposed of in the purchase of books, maps, charts, drawings, &c. for

May receive, acquire, hold and transfer property, real and personal.

To be laid out in the purchase of books &c.

the use and benefit of said company, agreeable to the intention of the donor.

May sue and be sued, &c.

Sec. 7. *Be it further enacted*, That the said corporation, by the name and style aforesaid, shall be hereafter forever capable in law to sue and be sued, plead and be impleaded, before any court or courts, or other places, or before any judge or justice in this commonwealth, or elsewhere, in all manner of suits, actions or complaints, of whatever kind or nature they may be, in as full and effectual a manner as any other person or persons, bodies corporate or politic may or can do.

May elect officers, enact by-laws, &c.

Sec. 8. *Be it further enacted*, That the said corporation shall have full power to make and use a common seal, with such devise and inscription as they shall think proper, and the same to break, alter and renew at pleasure; to appoint a treasurer, secretary and librarian; to assign them their duties, and remove him or them from office, and appoint another or others in their place, as often as they shall think fit; to make and constitute such by-laws and ordinances as they may deem useful to the institution, and the same to alter and amend or abrogate at pleasure; to fix the price of new shares and annual contributions on each share; to direct how transfers may be made and certified, and judge of the persons proper to be admitted members; to procure, by purchase, rent or otherwise, a place suitable to keep the library; to appoint the times for keeping the library open, and for taking out and returning books; to fill up vacancies which may happen in their number between two half yearly meetings; to levy and collect fines and forfeitures, which shall not exceed the amount of the annual contribution of any shareholder so fined, in any one year, except it may be for the value of books lost or not returned; and to determine upon and transact all matters appertaining to said corporation or library company, agreeable to the rules, ordinances and by-laws thereof, during their continuance in office: *Provided, however*, that not less than four of the directors shall be a quorum to do business; that no by-laws shall be made, repug-

May impose and collect fines, fill vacancies, &c.

Proviso.

part to the laws of this commonwealth, and that no contribution shall be laid on any share, in any one year, greater than one fifth of the value of the share, without the consent of a majority of the members.

Election of directors, &c.

Sec. 9. *Be it further enacted*, That there shall be a semi-annual meeting of the members of said library company, at the library, or such suitable place as the directors may from time to time appoint, of which the directors shall cause at least ten days' notice to be given by public advertisement; at which time and place, the members, or such of them as may be present, either personally or by proxy, evidenced by writing under the hand of the shareholder, and shall not be in arrears for any annual contributions, fines or forfeitures, shall elect and choose by ballot, seven directors out of their number, to serve for the half year ensuing their election, and until others shall be elected and consent to serve in their place: *Provided always*, that a majority of the stockholders as aforesaid, either personally or by proxy, shall be necessary to elect the directors; and that each shareholder shall be entitled to one vote for each share he may hold in the institution.

Proviso.

Duties of the treasurer, secretary and librarian.

Sec. 10. *Be it further enacted*, That the directors shall cause the treasurer, secretary and librarian, to keep, in suitable books for that purpose, just and proper entries of all the proceedings and accounts of the company and corporation, and have them laid before the company at every half yearly meeting, previous to taking the votes for directors; and shall always deliver the said books, together with all the property of the company, in good order, to their successors in office, whenever required.

First election of directors, when to be made.

Sec. 11. *Be it further enacted*, That the aforesaid directors, so soon as in their opinion the sums subscribed, and the collections made, will justify their going into operation, shall proceed to the choice of the officers necessary to the management of the institution. The directors appointed by this act shall continue in office until the end of six calendar months after commencing

operations, at which time another election of directors shall be holden, and shall continue to be held half yearly forever thereafter, previous notice being given of the time and place as aforesaid.

Shares transferable.

Sec. 12. *And be it further enacted*, That each shareholder shall be at liberty at all times to transfer or relinquish his share or shares, and that he shall forever thereafter be released from all further contributions on account thereof.

Prohibited from banking.

Sec. 13. *Be it further enacted*, That these corporations shall possess no banking powers or privileges whatever.

CHAP. CCCXCIX.

An ACT to amend the laws incorporating Independent Banks, and for other purposes.

Approved February 8, 1819.

Preamble.

WHEREAS doubts are entertained as to the amount of tax to be paid, and when payable, by the several banking institutions incorporated by the acts passed at the last session of the general assembly, entitled "an act to establish independent banks in this commonwealth," and "an act supplemental to the act establishing independent banks in this commonwealth:" To remove which,

The amount of tax to be paid by the independent banks ascertained.

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That said institutions shall annually, in the month of January, pay into the public treasury of this state, a tax at the rate of one half of one per cent. on the amount of the capital of such institution, which shall be paid in, on the first day of said month; and where the said capital, or any part of it, shall not have been paid in for one year before said day, the said tax shall be paid on the capital in proportion to the time which said capital, or such part thereof, shall have been paid in.

The tax for 1818 to be paid in June next.

Sec. 2. The tax due from said institutions for the year 1818, shall be paid on or before the first day of June next.

Tax to be paid on the whole amount of stock.

Sec. 3. The tax shall be paid on the whole amount of the stock which said institution may by law be entitled to, unless the cashier shall make out a statement of the true amount of stock paid in, and verify the same by affidavit, and produce it to the auditor before the payment of the tax as herein directed:

Proviso.

Mode of collecting the tax where payment is not made, or refused.

Sec. 4. That if the said institutions, or any one of them, shall fail to pay the tax, agreeable to the provisions of this act, it shall be the duty of the auditor to certify the failure, and the amount of tax due from each of said institutions, to the sheriffs of the respective counties, whose duty it shall be to collect the amount thereof, together with a commission thereon at the rate of seven and a half per cent. (for such sheriff,) in the same manner, with the like powers, and to be accounted for in the same way, and under the same penalties, as prescribed by law in relation to taxes due from individuals.

Each independent bank to make out, annually, & transmit to the legislature, on oath, a true statement of its situation.

Sec. 5. Each independent bank shall, on the second Monday of November in every year, make out a true statement of its situation, showing the amount of the capital stock paid in, the notes in circulation, the amount of their bills receivable, the specie actually in the vaults, also the notes of other banks, the debts due to the institution, and the amount of deposites; which report shall be sworn to by the president or cashier, before some justice of the peace; a copy of which report shall be transmitted to each branch of the legislature, during the first week of their session, in every year.

No notes to be issued for less than $ 1.

Sec. 6. No bank established by any law of this commonwealth, shall, after the first day of May next, issue any note for any sum less than one dollar.

What shall vacate the office of a president of a bank, and the mode of filling the vacancy.

Sec. 7. Where a president of any of the aforesaid banks hath, or shall hereafter absent himself for twenty days, from his duties as president of the bank, without giving the directors notice of his intended absence, or shall be under protest in said bank for his own accommodation note, and shall remain under protest for the space of twenty days, unless the directors shall reinstate

his credit, or shall fail to pay any instalment on his stock when due, it shall be lawful for the directors of said bank for the time being, forthwith to elect a president in his stead, to serve the residue of his term.

Notes made payable at one bank, may be discounted by another.

Sec. 8. It shall be lawful for any of the banks incorporated by the laws of this commonwealth, to discount or negotiate any note or bill made negotiable and payable at any other bank in this commonwealth; but the discount of any such note or bill shall not alter the time or the place of the payment of such note or bill.

Proviso.

CHAP. CCCC.

An ACT to run the Boundary Line between this State and the State of Tennessee, west of the Tennessee River.

Approved February 8, 1819.

Preamble.

WHEREAS by the ratification of the treaty entered into by Isaac Shelby and Andrew Jackson, on the part of the United States, and the Chickasaw Indians, the commonwealth of Kentucky has gained an important addition to her territory, adjoining the south boundary line below the Tennessee river; and whereas the said line, between said river and the Mississippi river, has never been run and marked, and it is deemed highly important to have the said line run and marked between said rivers: Therefore,

The executive to appoint two com'rs. to run and mark said line.

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the governor of this commonwealth be, and he is hereby authorised and required to appoint two commissioners, who shall run and mark the south boundary line of this state, between the Tennessee and Mississippi rivers, upon a parallel of thirty-six degrees thirty minutes of north latitude.

Who are to employ & pay surveyors, chain-carriers and markers.

Sec. 2. *Be it further enacted*, That said commissioners be, and they are hereby authorised to employ such surveyors, chain-carriers and markers as they may deem proper and necessary, to aid in running and marking said line, to whom the

said commissioners shall make such compensation as may be agreed on at the time they are employed.

Allowance to comm'rs. for their services.

Sec. 3. *Be it further enacted*, That said commissioners shall severally receive for their services six dollars for each day they may be engaged in the service of the commonwealth, in discharging the duties imposed on them by this act; and they shall make out their accounts against the commonwealth, verified by their own oaths; which accounts, when so made out, shall be paid by the auditor, by a warrant on the treasurer as in other cases.

$ 2000 appropriated to the comm'rs. in advance.

Sec. 4. *Be it further enacted*, That the commissioners appointed under this act, shall be, and they are hereby authorised to draw from the treasury two thousand dollars in advance, to enable them with the more facility to discharge the duties imposed on them by this act; for which sum the auditor is hereby directed to give a warrant on the treasurer, in favor of the commissioners, upon being notified by the governor of their appointment.

Executive to transmit a copy of this act to the governor of Tennessee, and request his co-operation in carrying it into effect.

Sec. 5. *Be it further enacted*, That the governor of this commonwealth be, and he is hereby requested to transmit a copy of this act to the executive of the state of Tennessee, and to request the executive of said state to appoint a like number of commissioners, to co-operate with those appointed by the governor of this state, in running the said line as aforesaid.

Governor to notify the commissioners of the names, &c. of the com'rs. on the part of Tennessee, should any be appointed.

Sec. 6. *Be it further enacted*, That if the executive of the state of Tennessee should within two months notify the executive of this state, that commissioners are appointed on the part of the state of Tennessee, to co-operate with those appointed in virtue of this act, to run said line as aforesaid, it shall be the duty of the executive of this state to inform the commissioners appointed under this act, the names and places of residence of the commissioners appointed by the executive of Tennessee; which information the governor of Tennessee is respectfully requested to give; and the commissioners appointed under this act shall correspond with the commissioners appointed by the

executive of Tennessee, and shall fix on some convenient time and place, within four months from the passage of this act, for a meeting of the commissioners of both states; at which meeting such regulations shall be adopted as the commissioners may think proper, for effecting the object of running and marking said line as aforesaid. Time fixed on for a meeting of the com'rs. of both states.

Sec. 7. *Be it further enacted*, That if the executive of Tennessee should refuse or fail to appoint commissioners to co-operate with those appointed under this act, or if the commissioners appointed by the executive of the state of Tennessee should refuse or fail to co-operate with those appointed under this act, in either case it shall be the duty of the commissioners appointed under this act to proceed and run and mark the said line as aforesaid, and shall report their proceedings to the executive of this state, to be by him laid before the next general assembly of this commonwealth. Comm'rs. directed to run the line, if commissioners should not be appointed on the part of Tennessee, & report their proceedings.

CHAP. CCCCI.

An ACT establishing a Turnpike on the Road leading from Georgetown to Cincinnati, and for other purposes.

Approved February 8, 1819.

WHEREAS the road leading from Georgetown to Cincinnati, through the counties of Scott, Pendleton, Boone and Campbell, passes through a tract of country so thinly inhabited, that a large portion of it cannot be kept in repair, without great oppression to individuals; and it being represented that the improvement of said road would conduce to public advantage: Therefore, Preamble.

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That John Hunter and James Harwood, of Scott county, Henry Childers, of Pendleton, and Abner Gaines, of Boone county, be appointed commissioners, who, or a majority of them, are hereby authorised to let the opening and keeping in repair of said road, in the manner hereinafter described, from Comm'rs. appointed to hire out the opening of the road and keeping it in repair.

Daniel White's, in Scott county, to Abner Gaines', in Boone county, pursuing the present course of said road; and the said road is to be opened thirty feet wide, clear of all timber, in all practicable places, and in no instance shall it be opened less than thirty feet wide, and the stumps are not to be more than six inches in height; all bad mud-holes and muddy places are to be causewayed with timbers not less than fifteen feet in length, and if filled up with stone, it shall be at least ten feet in width; all guts shall be bridged in the manner above described, and the hill sides shall be dug at least fifteen feet wide and reduced to a plane; and the ascent and descent of every hill upon the said road shall be so graduated as to permit road waggons and every description of wheel carriages to pass readily and safely, with their accustomed burthen or loading.

Width and course of the road.

Manner of preparing the road, &c.

Sec. 2. *Be it further enacted*, That it shall be the duty of said commissioners to advertise in the Georgetown Patriot, printed in Scott county, and at the doors of the court-houses in the counties of Boone and Pendleton, the time and place that they will let the opening and keeping in repair of said road, at least four weeks previous thereto; and they shall let the same to the person or persons who will open the same agreeably to the provisions of this act, and constantly keep the same in good repair, for the shortest period of time, not to exceed twenty years, taking bond with approved security from the undertaker or undertakers, in the penal sum of ten thousand dollars, payable to the commonwealth of Kentucky, conditioned for the faithful discharge of all the duties required by this act.

Comm'rs. to advertise the time and place of letting the road.

To take bond from the undertaker.

Penalty.

Sec. 3. *Be it further enacted*, That so soon as the said undertaker or undertakers of said road shall procure from a majority of said commissioners a certificate that the same is opened and completed, agreeable to the provisions of this act, then and in that case it shall and may be lawful for him or them to erect two turnpike gates, at some convenient places on said road, between Little Eagle creek and Abner Gaines', and shall have the right to have and receive the rates here-

Turnpike gates to be erected, and when, &c.

inafter mentioned, for passing the same: For each person, (except post riders, public expresses, women, and children under the age of ten years, or footmen) six and one fourth cents; for every horse, mare, mule, jack or jenny, six and one fourth cents; for every cart or carriage with two wheels, twenty-five cents; for every sleigh or slide, twenty-five cents; for every waggon or carriage with four wheels, fifty cents; for every head of neat cattle, three cents; for every head of hogs, sheep or goats, one cent. And if any person or persons shall forcibly pass or attempt to pass the said turnpike gates, or either of them, without paying the fees aforesaid, or avoid or attempt to avoid it, he or they shall forfeit and pay ten dollars, for the use of the keeper of the said turnpike gate; which sum may be recovered before any justice of the peace in this commonwealth.

Rate of toll.

Penalty for refusing or evading payment of toll.

How recovered and applied

Sec. 4. *Be it further enacted*, That the bond required to be taken by this act, shall be lodged in the office of the Scott circuit court; and if at any time, after the said commissioners shall permit the said undertaker or undertakers to erect gates and receive toll, said road is suffered or permitted to remain out of repair for the space of four weeks at any one time, he or they, and their securities, shall be liable to a fine of not less than twenty, nor more than one hundred dollars, at the discretion of the judge of the Scott circuit court, to be recovered by motion before the judge of said court, who is hereby vested with full power and authority to try the same, to the full extent of said road—to grant judgment and award execution: *Provided, however*, that the said undertaker or undertakers shall have received ten days' previous notice of the time of making said motion. And it is hereby declared to be the duty of the attorney for the commonwealth, prosecuting in said court, to attend to and prosecute said motion; and said motion may be renewed from time to time, and recoveries had, until a recovery is had of the whole penalty of said bond.

Bond to be filed in Scott circuit court.

Fine on commissioners for suffering the undertakers to receive toll when the road is out of repair

To be recovered by motion in Scott circuit court to full extent of the road, upon giving 10 days' notice of the motion.

Duty of commonwealth's attorney under this act.

Sec. 5. *Be it further enacted*, That if the said undertaker or undertakers, at any one time, shall

The comm'rs. invested with

power to prevent the undertaker from receiving toll when the road is out of repair

permit said road to remain out of repair for the space of two months, to be ascertained either upon the knowledge of the said commissioners, or a majority of them, or upon competent proof to them made of the fact, they shall, and are hereby vested with full power and authority to throw open said turnpike gates, and cause the same to be advertised in the said Georgetown Patriot, and at the court-house doors aforesaid; and it shall not be lawful for the said undertaker or undertakers to receive or demand any toll, until the said road shall have been put into a complete state of repair, and obtain from a majority of said commissioners a certificate to that effect, and file the same with the clerk of the Scott circuit court.

Allowance to the comm'rs.

To be paid by undertakers.

Sec. 6. *Be it further enacted*, That the said commissioners shall be entitled to the sum of two dollars each per day, for every day they shall be necessarily employed in the duties of their office, to be paid by the undertaker or undertakers, out of the proceeds of said road. When either of the said commissioners shall wish to resign, they may do so before the county court of the county in which they severally now live; and it shall be the duty of the county courts of the respective counties aforesaid, in case of the death, resignation, refusal to act or removal out of the county, to appoint some other fit person or persons in his or their stead, so as constantly to keep one in each county; and those who may be appointed by either of the said county courts, shall possess the same power as those designated by this act.

Vacancies of the comm'rs. how to be filled.

The hands now allotted to work on said road, to continue to do so.

Penalty for failure.

Proviso.

Sec. 7. *Be it further enacted*, That all the hands that have been allotted to work on said road by the county courts through whose counties the same may pass, shall be compelled to work four days on said road, in each and every year, subject to the control of the undertaker; and upon failure or refusal to comply with said requisition, he or they shall be subject to the same fine as is now recoverable in like cases; which fine shall be for the use of the undertaker: *Provided*, that every person so allotted to work on said road shall be exempt from paying toll.

Sec. 8. *Be it further enacted*, That the undertaker shall exercise his discretion in fixing the gates at any place within three miles of said Gaines', and within three miles of the crossing of Big Eagle. Nothing in this act contained shall be so construed as to bind the said undertaker to keep in repair the bridge over Big Eagle.

Discretion given undertaker in fixing the gates.

Proviso.

Sec. 9. *Be it further enacted*, That a company be incorporated to make a turnpike road from Louisville ten miles towards Bardstown, under the name and style of "The Louisville Turnpike Company," and by that name and style shall be a body politic and corporate, the capital stock whereof shall be divided into one thousand shares of one hundred dollars severally, and subscription for which shall be opened in Louisville, under the direction of Frederick W. S. Grayson, Archibald Allen and Peter B. Ormsby, or any two of them, who are hereby appointed commissioners, with the same powers, and to perform the same duties in relation to the said road, that are conferred and imposed upon the commissioners appointed for the Fayette and Madison turnpike company, and for other purposes, approved February 3d, 181? : *Provided, however*, that the notices to be given by said commissioners, shall be published in two newspapers of Louisville, instead of two newspapers of Lexington.

Turnpike Co. from Louisville towards Bardstown, incorporated.

Style of incorporation.

Capital stock.

Comm'rs. for obtaining subscriptions.

By what act to be governed in the discharge of their duties.

Proviso.

Sec. 10. *Be it further enacted*, That so soon as the company incorporated by this act shall be organized, the president and managers shall possess all the powers, authorities and privileges, and shall and may do all the acts and things necessary for carrying into effect and completing said turnpike road, and for laying out the same, and shall be subject to all the duties, qualifications, restrictions, penalties, fines and forfeitures, and to be entitled to the like tolls and profits, in proportion to the distance, as are given and granted to the commissioners and to the president and managers of the Fayette and Madison turnpike company, by the act above mentioned; and so much of that act as can or may apply to the road herein authorised, is hereby re-enacted as part hereof—to confer the same pow-

The president and managers to be governed by the provisions of the act incorporating the Fayette & Madison turnpike road company, so far as they can apply

ers, rights and authorities in relation to said road: *Provided, however,* that said company may be organized so soon as three hundred shares are subscribed, and that the books for subscription may be kept open six months, and no longer.

Proviso.

CHAP. CCCCII.

An ACT to continue in force an act to suspend Law Process in certain cases.

Approved February 8, 1819.

BE it enacted by the General Assembly of the Commonwealth of Kentucky, That the act entitled "an act further to suspend law process in certain cases," approved February 9th, 1816, shall be, and the same is hereby revived and continued in force until the 5th day of February, 1820: *Provided, however,* that it shall not be lawful to make an endorsement on executions or other process requiring the collection of money, for any other description of bank notes, except notes on the Bank of Kentucky or its branches.

Continued in force one year.

Proviso.

CHAP. CCCCIII.

An ACT authorising the County Court of Muhlenburg to dispose of part of their Public Ground.

Approved February 9, 1819.

BE it enacted by the General Assembly of the Commonwealth of Kentucky, That it shall and may be lawful for the county court of Muhlenburg, a majority of all the justices of said county concurring, to sell and dispose of a part of the public ground at the court-house of said county, not exceeding one hundred feet square, to the president and directors of the Bank of Greenville, for the purpose of erecting a bank house thereupon; and the said court may sell the same on a credit, or for cash, as to them may seem most expedient, and apply the proceeds of sale as they may deem proper; and on receiving the consideration for which said ground may have been

Authorised to sell 100 feet square to the Bank of Greenville.

sold, they are hereby authorised to convey, by their clerk, or a commissioner, the said ground to the said president and directors, and their successors, in fee, and to the use and benefit of said corporation.

CHAP. CCCCIV.

An ACT for the benefit of James Sammons.

Approved February 9, 1819.

WHEREAS it is represented to the present general assembly of the commonwealth of Kentucky, that James Sammons, of Estill county, a soldier of the revolution, is settled on a piece of vacant and unappropriated land, and that he is poor and unable to pay the state price thereon : Recital.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the register of the land-office be, and he is hereby authorised and required to issue a land warrant to James Sammons, of Estill county, for two hundred acres of land, without fee, and without the state price being paid thereon, which the surveyor of Estill county shall, on application of said Sammons, receive, and survey the same so as to include the improvement whereon the said Sammons resides ; and the register of the land-office shall receive the plat and certificate of survey, without fee, and a patent shall issue for the same as in other cases : *Provided*, the same shall not interfere with any prior claim or claims. Register to issue a warrant for 200 acres of land.

CHAP. CCCCV.

An ACT for the benefit of Union Academy.

Approved February 9, 1819.

WHEREAS it is represented to the present general assembly, by the trustees of the Union academy, that they have, by the aid of private contributions, purchased two acres of land adjoining the town of Morganfield, and the same Recital.

has been conveyed in fee simple to them and their successors in office, for the use and benefit of said academy, and upon which they design to erect the necessary buildings for the use of said institution, but are unable to do so, for the want of funds [for] that purpose: For remedy whereof,

Trustees authorised to sell 2 tracts of land

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the trustees of Union academy, and their successors in office, may, and they are hereby authorised and empowered to sell and dispose of two tracts of land, granted or donated to Union academy for a seminary of learning, the one containing one hundred acres, and the other containing seven hundred acres, and apply the proceeds of such sale to the use and benefit of said Union academy, in such manner as they may deem most expedient.

Authorised to convey said land.

Sec. 2. *Be it further enacted*, That the trustees aforesaid, or their successors in office, may, and they are hereby authorised to convey by deed, the title of said land, to the purchaser or purchasers of the same; and such conveyance, when made, shall pass and vest the title in fee simple in the grantee, his heirs and assigns forever.

CHAP. CCCCVI.

An ACT for the relief of Patty Bohannon.

Approved February 9, 1819.

Register to issue a warrant for 200 acres of land.

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the register of the land-office be, and he is hereby authorised and required, on the application of Patty Bohannon, widow of Joseph Bohannon, deceased, of Barren county, to issue to said Patty Bohannon a land warrant for two hundred acres of land, without the state price being paid therefor; which said warrant the said Patty Bohannon may have entered and surveyed on any waste and unappropriated land in this commonwealth (except all prior rights and the lands lately purchased of the Indians); the plat and certificate of survey

for which, the register shall receive, without fee, and shall issue a grant therefor as in other cases.

Sec. 2. *Be it further enacted*, That the said land shall be only used and cultivated for the support of said Patty Bohannon during her life, and for the support, maintenance and education of the children of said Joseph Bohannon, deceased, and shall, at the death of said Patty Bohannon, descend to said children and their heirs forever. Proviso. To descend to her children.

CHAP. CCCCVII.

An ACT authorising the County Court of Pulaski to make additions to the Town of Somerset.

Approved February 9, 1819.

SEC. 1. *BE it enacted by the General Assembly of the Commonwealth of Kentucky*, That the justices of the county court of Pulaski, are vested with power and authority to annex to the town of Somerset, in the county aforesaid, as much land as they may think proper, and in such form as they may deem expedient. Justices may annex any land they think proper.

Sec. 2. *And be it further enacted*, That it shall be necessary, previous to any part being annexed to the town of Somerset, that the previous assent of the proprietor or proprietors shall be obtained therefor, and entered of record in the county court of Pulaski. Assent of proprietor to be obtained.

Sec. 3. *Be it further enacted*, That said town of Somerset, upon having an addition or additions annexed thereto, shall be under the same rules and regulations which now govern the present town; and all the laws now in force, applicable to the present town, shall apply to the part or parts annexed thereto, except the titles to the lots shall be made by the person or persons whose lands may be annexed to the town of Somerset. The part which may be annexed to be governed in the same manner.

CHAP. CCCCVIII.

An ACT to amend the act entitled "an act respecting the conveyance, and also the division of the real estate of William Kennedy, Benjamin Beall and Jennetta H. Beall, late of the County of Campbell.

Approved February 9, 1819.

SEC. 1. *BE it enacted by the General Assembly of the Commonwealth of Kentucky,* That where the above named Benjamin Beall has executed any obligation or obligations, for the conveyance of lands, without designating therein the particular tract or tracts of land to be conveyed, that it shall be lawful for the commissioners, or any two of them, named in the act aforesaid, with the assent of the obligee or obligees, assignee or assignees of any such obligation or obligations, to select and value any land of which the said Benjamin Beall died seised, to the amount of, and according to the import and meaning of such obligation or obligations, allowing all just credits, and to convey the same by such conveyance or conveyances as may be required therein, subject to all the provisions and regulations contained in the act aforesaid.

Sec. 2. *Be it further enacted,* That all conveyances heretofore made, or hereafter to be made, under the first section of the act referred to as aforesaid, and all conveyances made by virtue of this act, and in conformity thereto, shall be as effectual to pass the title conveyed, as if such conveyances had been made by the above named William Kennedy, Benjamin Beall and Jennetta H. Beall, respectively.

CHAP. CCCCIX.

An ACT for the benefit of James Williams.

Approved February 9, 1819.

Recital. WHEREAS it is represented to the general assembly, that James Williams, of the county of Pendleton, whilst engaged as a laborer in assisting to open a state road between Frankfort and

the town of Augusta, received an injury in one of his legs, by the falling of a limb of a tree thereon, in consequence of which he was obliged to have his leg amputated; and whereas it appears that he is in indigent circumstances, with a large family:

Register to issue a warrant for 500 acres of land.

Be it therefore enacted by the General Assembly of the Commonwealth of Kentucky, That the register of the land-office be, and he is hereby directed to issue a land warrant to the said James Williams for five hundred acres of land, without a quietus from the treasurer for the state price; and the said James shall and may locate the same on any waste and unappropriated land in this commonwealth, and upon the return of the survey, a grant shall issue thereon as in other cases: *Provided*, that the said warrant shall not be located on any land south or west of the Tennessee river.

CHAP. CCCCX.

An ACT for the benefit of the heirs of Christopher Hardwick.

Approved February 9, 1819.

Recital.

WHEREAS it is represented to the present general assembly, that Sarah Davis, intermarried with Christopher Hardwick, did obtain a certificate from the Henderson county court, at their June term 1801, for four hundred acres of land, which lies in Hopkins county, which is not paid for; they lived together until they had three children, John, Benjamin and Sarah; soon afterwards Mrs. Hardwick died, and her husband, Christopher Hardwick, volunteered his services in defence of his country, and died, during the late war, at Fort Meigs: The said children are left, by the death of their parents, destitute of any property whatever to subsist on, and are entirely unable to pay the state price on said land; and the legislature feeling a willingness to alleviate the wants and distresses of the indigent and poor, as far as in their power lies—particularly

so to those who have lost their parents and friends in the defence of their country:

Register to issue a grant for 400 acres of land, without the state price being paid.

BE it enacted by the General Assembly of the Commonwealth of Kentucky, That the state price on four hundred acres of land, granted by the Henderson county court, at their June term 1801, to Sarah Davis, which is now due, be, and the same is hereby remitted to her children; and the register of the land-office is hereby directed to issue a patent to the said John, Benjamin, and Sarah Hardwick, children and heirs of Christopher Hardwick, deceased, for the said four hundred acres of land: *Provided*, the plat and certificate of survey shall be registered as in other cases, which the register shall receive and register without fee.

CHAP. CCCCXI.

An ACT providing for the navigation of Pond River.

Approved February 9, 1819.

Declared navigable.

BE it enacted by the General Assembly of the Commonwealth of Kentucky, That Pond river, as a navigable stream, shall remain open and unobstructed for the purposes of navigation, from the point to which it was declared navigable by an act approved January 18th, 1810, to the place where the road leading from Greenville to Hopkinsville, crosses said river; and that any person or persons who shall hereafter erect any obstruction to the navigation of the part of said stream hereby declared navigable, shall be liable to the same fine as is prescribed in the before recited act, for every twenty-four hours said obstruction shall remain, to be recovered in like manner as fines incurred under said act are directed to be recovered.

Penalty for obstructing it.

CHAP. CCCCXII.

An ACT for the relief of the administrators of Reuben Underwood, and the heirs of Spencer Gill.

Approved February 9, 1819.

Adm'rs. of R. Underwood authorised to sell real estate

SEC. 1. *BE it enacted by the General Assembly of the Commonwealth of Kentucky*, That William Walker, John H. Henly and Thomas S. Smith, or any two of them, be authorised and empowered to sell and convey, in behalf of the infant heirs and legal representatives of Reuben Underwood, deceased, late of Jessamine county, as much of the real estate of said Underwood, consisting of unimproved lots in the town of Nicholasville, as in their opinion may be necessary to satisfy and reimburse the administrators of said intestate, for money advanced by them, and for which they have become liable, in the payment of debts due from said estate, over and above the amount of assets in their hands, and which may appear to be due to said administrators, by a settlement to be had with commissioners to be appointed by the county court of Jessamine.

Shall not be sold for less than two thirds of its value.

Sec. 2. *Be it further enacted*, That said William Walker, John H. Henly and Thomas S. Smith, or any two of them, in executing the authority given them by this act, to avoid any sacrifice of the property, shall not sell the same, unless in their opinion it will bring two thirds of its value—they being authorised to sell the same, or any portion thereof, at public or private sale, and on such reasonable credit as may seem to them best—the proceeds to be applied to the payment of the sum that may be found due the administrators as aforesaid, and the balance, if any, to be paid over to the guardian or guardians of the heirs of said Underwood, agreeable to the order of the county court of Jessamine, to which court they are to report the proceedings had by them under this act. Said commissioners are not to convey the property to be sold by them under this act, until the purchase money has been paid over, agreeable to the directions of this act, under the order of the county court of Jessamine; and the purchaser or purchasers shall be entitled to a

Proceeds, how to be applied.

To report their proceedings & convey the property.

conveyance, upon producing a certificate from the said court, that he or they have paid up the purchase money. The said commissioners being authorised to retain in their hands as much of the purchase money as will pay the expences incident to the sale, and a reasonable compensation for their services, to be allowed by the said county court.

The court to allow a compensation for their services.

Sec. 3. *Be it further enacted*, That it shall be lawful for the administrator of Spencer Gill, sen. deceased, and he is hereby authorised to sell and convey the eighteen and a half acres of land allotted by the commissioners to the heirs of Spencer Gill, jun. under the will of Spencer Gill, sen. and their interest in the lands allotted to the widow of Spencer Gill, sen. as her dower, and pay over the money arising therefrom to the heirs of Spencer Gill, jun. as they arrive at age, agreeable to the provisions of said will.

Gill's adm'r. empowered to sell and convey land.

CHAP. CCCCXIII.

An ACT providing for a change of venue in the case of David H. Campbell.

Approved February 9, 1819.

Recital.

WHEREAS it is represented to the present general assembly, that David H. Campbell stands indicted, in the Shelby circuit court, for "wilfully and maliciously shooting Samuel Tevis," by which shooting death did not (nor is likely) to ensue; and that owing to existing prejudice in said circuit, against said Campbell, it is apprehended he cannot have a fair and impartial trial: For remedy whereof,

May elect to be tried in Henry.

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That at the next sitting of the circuit court held in and for Shelby county, the said David H. Campbell, upon appearing in court to answer said indictment, may, and he is hereby authorised and allowed to make his election, whether he will be tried in the Henry circuit court or not.

Sec. 2. *And be it further enacted*, That if the said David H. Campbell shall, when the question of election is put to him by the judge of the Shelby circuit court, elect to be tried in the Henry circuit court, and shall enter into a recognizance, himself. in the sum of two thousand dollars, and two sufficient securities in the sum of one thousand dollars each, conditioned to be void on his making his personal appearance in court, on the first day of the next term of the circuit court for the county of Henry, and there remain and abide until discharged by due course of law, the judge of the Shelby circuit court shall have his election entered of record; and the clerk of the Shelby circuit court shall make a certified copy of all the orders of court, and of the recognizance aforesaid, to be sent with the indictment and other papers belonging to the prosecution, to the clerk of the Henry circuit court, in the manner hereinafter directed. Upon the election of the said Campbell being made to be tried in the said Henry circuit court, the judge of the Shelby circuit court shall recognize all the witnesses in behalf of the commonwealth, to appear on the first day of the next term of the circuit court for the county of Henry, or upon any other day he may appoint or direct for the trial of the aforesaid prisoner, in the county of Henry, and not to depart thence without the leave of the court; attested copies of which recognizances, and of the recognizance first before mentioned, shall be transmitted with the other papers belonging to the prosecution, to the clerk of the Henry circuit court, and be as binding, and subject to the like proceedings as other legal recognizances now are.

To be recognized.

Clerk to make out copies, &c.

Witnesses to be recognized.

Papers to be transmitted to Henry.

Sec. 3. That as soon as practicable after the order of election made as aforesaid, the clerk of the Shelby circuit court shall make out certified copies of the orders of his court, made in said prosecution, and shall deliver them, together with the indictment and other papers filed therein, to the sheriff of his county, and take his receipt therefor; and thereupon the said sheriff shall, with all convenient dispatch, deliver them to the clerk of the Henry circuit court, and take his re-

Clerk of Henry to issue process.

ceipt therefor; and the clerk of the said Henry circuit court shall be, and is hereby authorised to issue a *venire facias*, subpœnas, and any other necessary process, in the same manner as in any other prosecution commenced in his own court; and the circuit court in and for the county of Henry, shall have the same jurisdiction, and possess the same power and authority to try said prisoner, as they would have had in case said prosecution had been commenced, and said indictment originated in the Henry circuit court, and as said court would have had if the offence for which said indictment was found, had been committed within the jurisdiction thereof, and the prosecution shall proceed in the same manner, and the same challenge of jurors may be had: *Provided, however*, that the said David H. Campbell shall not be discharged at the first or second terms of the said Henry circuit court, after the venue is changed, if through any casualty a trial shall not be sooner had.

Jurisdiction given to Henry.

Proviso.

Sec. 4. *Be it further enacted*, That the said David H. Campbell, provided he avails himself of the change of venue hereby granted him, shall not be allowed by the court to take advantage of a failure of the witnesses for the commonwealth to attend, on the first and second terms of the Henry circuit court next after the change of venue is had, so as to claim a discharge, or go without bail, from said indictment, on that account.

Not to be discharged, if a trial cannot be had at the first term.

Sec. 5. *Be it further enacted*, That if either the sheriff or clerk of the Shelby circuit court shall fail or refuse to perform all or any of the duties by this act directed, each of them shall be subject to a fine of two hundred dollars, recoverable by reasonable notice, or a rule of court to that effect, with proper time given, in the Shelby circuit court, in favor of the commonwealth; which fine or sums shall go to the lessening the county levy.

Penalty on the sheriff or clerk for failing to perform their duty.

CHAP. CCCCXIV.

An ACT to incorporate the Southern College of Kentucky, the College of Urania, and the Western College of Kentucky.

Approved February 9, 1819.

Names of trustees of Southern College.

SEC. 1. *BE it enacted by the General Assembly of the Commonwealth of Kentucky*, That Elijah M. Covington, John W. Cooke, Samuel S. Brooking, Alexander Graham, John Loving, William M'Dowell, Benjamin H. Hall, Leander J. Sharp, Joseph H. Smith, Robert W. Lucas, Solomon P. Sharp, Cornelius Turner, Benjamin Vance, Francis Johnson, John Hynes and Samuel J. M'Dowell, and their successors, are hereby created a body corporate, to be styled the "Trustees of the Southern College of Kentucky," with full power to acquire, hold and transfer property, real and personal, make contracts, sue and be sued, plead and be impleaded, in their corporate capacity; to make, have and use a common seal, and the same to break, alter or destroy at pleasure.

Incorporated.

Where college to be located.

Sec. 2. The Southern College of Kentucky shall be located within one half mile of the town of Bowling-Green, and all the monies, funds and estate hereby vested in the trustees thereof, or which may be hereafter acquired by them, in their corporate capacity, shall be held, used and employed for corporate purposes only.

Powers of the trustees.

Sec. 3. The before named trustees shall have power to fill all vacancies in their own body, appoint a chairman of their board, and to appoint a president and professors, and such other officers and servants under them, as they may deem necessary and proper, to hold their offices under such rules and regulations as the said trustees may prescribe; and to make, allow and pay to the president, professors and other officers and servants, such reasonable compensation for their services as to the said trustees may seem right and proper. And the said trustees shall have full power and authority to make by-laws, rules and regulations for the better government of said college, as they may judge expedient, and the same

to annul, alter or amend at pleasure: *Provided*, said by-laws, rules or regulations be not repugnant to the laws of this commonwealth, nor inconsistent with the principles laid down in this act as fundamental laws for the government of said college. And the said trustees shall have full power and authority to do and perform any lawful matter and thing which they may deem conducive to the good of the institution, and consistent with the state of the funds thereof.

Proviso.

Sec. 4. The following principles and rules shall be the fundamental laws of the said corporation:

Fundamental laws.

First—The said trustees, and other officers, before they enter upon the duties of their offices, respectively, shall severally take the following oath or affirmation, before some court of record, or a justice of the peace, to wit: I, A. B. do solemnly swear (or affirm) that I will, to the best of my skill and judgment, discharge the duties of —— —— in the Southern College of Kentucky.

Second—A majority of the trustees shall constitute a board competent to make *pro tempore* appointments, and the transaction of all business, except the permanent appointment or removal of officers, in which case the concurrence of two thirds of the whole board shall be necessary.

Third—No religious doctrines peculiar to any one sect of christians, shall be inculcated by any professor in said college.

Fourth—Whenever the legislature shall find it expedient to adopt the said college as a state institution, and endow it, the college shall thereafter be subject to such laws and regulations as may be enacted for the government of the institution.

State may adopt the institution.

Sec. 5. That the first meeting of the trustees hereby appointed shall be held at the tavern of Benjamin Vance, in Bowling-Green, on the first day of March next, or so soon thereafter as may be convenient; and the said trustees shall have at least one stated meeting in every year; and should any trustee hereby appointed, or hereafter to be chosen, refuse to serve, or fail to qualify for the space of six months after notification of his

Meetings.

Seat of trustees may become vacant.

appointment, or after qualification, shall fail to attend the meeting of the board for the term of one year, the seat of such trustee or trustees may be declared by the board to be vacant, and they may proceed to fill the vacancy as hereinafter provided.

Authorised to contract for the estate of the Warren seminary.

Sec. 6. So soon as said college shall raise by subscription or private donation, the sum of twenty thousand dollars, the board of directors of the Southern College of Kentucky, shall be, and they are hereby authorised to contract with the trustees of the Warren seminary, and receive from them a conveyance of all the estate, both real and personal, of the Warren seminary; and the said seminary, on transferring its estate, shall cease and be at an end; and the Southern College of Kentucky shall have full power to use or sell and dispose of all the estate, both real and personal, so acquired from the Warren seminary, and apply the proceeds thereof to the use of said college.

College of Urania incorporated.

Sec. 7. *Be it further enacted*, That a college, to be styled the College of Urania, shall be established in the town of Glasgow; and the same rules, regulations and charter as is provided above for the Southern College of Kentucky, shall apply to the College of Urania, and the trustees of the seminary of Barren county, shall be the persons hereby incorporated under the style of the College of Urania.

Western College of Kentucky incorporated.

Sec. 8. *Be it further enacted*, That a college, to be styled the Western College of Kentucky, shall be established in the town of Hopkinsville; and the same rules, regulations and charter as is provided above for the Southern College of Kentucky, shall apply to the Western College of Kentucky, and the trustees of the Christian academy shall be the persons hereby incorporated under the style of the Western College of Kentucky: *Provided*, the legislature reserve the power of amending or repealing the said charters.

CHAP. CCCCXV.

An ACT establishing an Academy in the County of Livingston.

Approved February 9, 1819.

Established near Salem.

SEC. 1. *BE it enacted by the General Assembly of the Commonwealth of Kentucky*, That an academy be established in or near the town of Salem, in the county of Livingston, at such place in or near said town as shall be fixed on by the trustees hereinafter named, and be known by the name of the Livingston Academy.

Trustees incorporated.

Sec. 2. That Enoch Prince, Robert Hodges, William Thompson, William Rice, William Gray, Patrick H. Rice, James Rutter, Dickson Given and Andrew Love, shall be, and are hereby constituted a body politic and corporate, to be known by the name of the Trustees of the Livingston Academy, and by that name shall have perpetual succession, and a common seal, with power to change or alter the same at pleasure; and as a body corporate shall be authorised to exercise all the powers and privileges that are now enjoyed by the trustees of any academy or seminary of learning in this state; and on the death, resignation or other disqualification of any of the trustees aforesaid, or their successors, a majority of the remaining trustees shall fill such vacancy, and the person or persons so appointed shall be vested with the same power and authority, as if specially named in this act; and by the name and style of the Trustees of the Livingston Academy, may sue and be sued, implead and be impleaded, in any court of law or equity.

Powers.

To acquire property.

To sell their lands.

Sec. 3. The said trustees and their successors shall have power, in their corporate capacity, to purchase or receive by donation, any lands, tenements, hereditaments, monies, rents, goods and chattels, and to hold the same by the name aforesaid, to them and their successors forever, for the use and benefit of said academy; and to sell, alien or transfer any such lands, tenements, hereditaments, goods and chattels, and apply the proceeds to the use and benefit thereof; also, to dis-

pose of all the lands heretofore or hereafter appropriated for the benefit of a seminary in said county, when they shall think proper; and the county court of said county is hereby directed to give up the title papers of any such donation lands, to the trustees above mentioned, which they have had surveyed and patented for the use and benefit of a seminary in said county.

Meetings.

Sec. 4. The person first named herein, or in his absence, neglect or refusal to act, the next, shall give notice of the time and place of the first meeting of the trustees; and on the attendance of a majority thereof, they shall appoint a president, treasurer and clerk, out of their body, and shall severally take an oath, to be administered by some justice of the peace, well and truly to exercise the duties of their office; and thereafter a board may be called by the president, or any two of the trustees. The said trustees shall have power to adjourn from day to day; to make such laws, rules and regulations as they shall deem proper and useful for the government of said academy, not contrary to the laws of this commonwealth, and to fix on a proper place to erect a building for said academy, and employ workmen to erect and finish the same; but it shall be necessary that a majority of the trustees be present at the making of any contract, fixing the permanent seat for the academy, and making laws to rule and regulate the same.

Officers to take oath.

Make by-laws.

Trustees to employ teachers.

Sec. 5. A majority of said trustees shall have power to engage and employ a competent number of tutors and professors to the said academy—to fix their salaries, and the salaries of their clerk, as also the terms of tuition; and on the misconduct of any tutor, professor or student, may dismiss or expel such tutor, professor or student from the said academy.

CHAP. CCCCXVI.

An ACT for the benefit of the infant heirs of James Hughes and Moses Hawkins, deceased.

Approved February 9, 1819.

Recital.

IT being represented to this general assembly, that James Hughes, late of Frankfort, now deceased, made contracts for the sale of divers tracts of land; that the purchase money remains unpaid, and his heirs at law are chiefly unable to convey, because of their infancy; and that he was also entitled, with others, to several tracts of land within this commonwealth, a partition of which comports with the interest of all parties, but cannot be made for the same reasons:

Person empowered to convey in behalf of the infant heirs of J. Hughes.

To make partition.

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That Charles Humphreys be, and he is hereby authorised, in the name of the infant heirs of the said decedent, to make conveyances of any real estate descended to them, agreeably to the obligation or covenant of their said ancestor; and also to make partition of all lands to which their said ancestor was entitled in law or equity, jointly or in severalty with others; and at his discretion, to receive for the said heirs an entire tract or tracts, instead of a portion in each tract.

The deeds thus made shall pass the title.

Sec. 2. The deeds of conveyance and partition so made by the said Humphreys, shall pass the title to every intent, and bind the said heirs as fully as if made by themselves, being of full age.

Further recital.

And whereas it is represented to the present general assembly, that Moses Hawkins died intestate, leaving seven small children, and an estate involved in debt, and that he owned a small tract of sixty-nine acres of land, lying in Woodford county, well improved, a large portion cleared and but little timber, and it is believed that the value of this land, with its improvement, will diminish, and that the personal property would be exhausted in the payment of the debts: Therefore,

Adm'r. of M. Hawkins empowered to

Sec. 3. *Be it further enacted*, That Jacob Castleman, administrator of the estate of Moses Hawkins, deceased, is hereby authorised to sell and

convey said tract of land, for the benefit of said heirs; and the deed or deeds of conveyance so made by the said Castleman, shall pass the title to every intent, and bind the said heirs as fully as if made by themselves, being of full age: *Provided*, that said administrator shall, before he acts, enter into bond and security in the county court of Woodford, in a penalty to be fixed by said court, conditioned to dispose of the money in the manner intended by this act. Sell and convey a tract of land.

CHAP. CCCCXVII.

An ACT further to regulate the Town of Germantown, in the Counties of Mason and Bracken.

Approved February 9, 1819.

WHEREAS it is represented to the general assembly of the commonwealth of Kentucky, that the former trustees of Germantown failed to have the plan of said town recorded, as the law requires: Recital.

BE it enacted by the General Assembly of the Commonwealth of Kentucky, That the plan now in the possession of the surveyor of the county of Bracken, and bounded as follows: Beginning at a stake in John Tabb's patent line of 18000 acres; thence with said line south 80, 30 east, 259 poles, to a stake; thence N. 10 E. 192 poles, to a stake; thence west 127 poles, to a stake; thence N. 66 poles, to a stone; thence west 125 poles, to a stone; thence south 129 poles, to a stake; thence west 37½ poles, to a stake; thence south 89 poles, to the beginning, containing 320 acres, agreeable to the original act of condemnation, shall be admitted to record in the county court of Bracken, and shall be considered as the boundary of said town. Boundary of said town. To be recorded.

CHAP. CCCCXVIII.

An ACT for the benefit of Samuel May.

Approved February 9, 1819.

Recital.

WHEREAS it is represented to the present general assembly, that Samuel May discharged the duties of clerk to the court of quarter sessions of Hardin county, for the space of four months and a half, in the year 1798, after the death of David May, and before another clerk was duly appointed to said court; and that he furnished books and paper for said clerk's office during that time; and that the said court of quarter sessions, at their November term 1798, allowed him the sum of thirty-one pounds six shillings, for said services, and directed the same to be levied by the county court of said county in their levy, which has never been done: Therefore,

County court of Hardin to levy a certain sum.

BE it enacted by the General Assembly of the Commonwealth of Kentucky, That the said county court of Hardin is hereby authorised and directed to levy, for the benefit of said Samuel May, in their next county levy, the said sum of thirty-one pounds and six shillings, with lawful interest thereon from the year 1798, until the time of levying the same.

CHAP. CCCCXIX.

An ACT for the benefit of the Sheriff of Hardin County, and for other purposes.

Approved February 9, 1819.

Auditor to issue warrant to sheriff of Hardin.

SEC. 1. *BE it enacted by the General Assembly of the Commonwealth of Kentucky*, That the auditor of public accounts issue a warrant on the treasurer, in favor of the sheriff of Hardin county, for thirty-one dollars ninety-two cents, for taking up Hawkins Brackett, on an escape warrant, and conveying him to the jail of Henry county.

Recital.

And whereas by an act of the legislature of this state, approved January 2d, 1818, further time was given to John M'Kinney, of Jessamine coun-

ty, to return his delinquent list of militia fines, put into his hands for collection, in the ninth regiment, under certain conditions, part of which were to be performed by said M'Kinney, and part by the paymaster of said regiment; and it appearing to this general assembly, that the conditions, so far as they depended upon the act of M'Kinney, were performed, but that those required by the paymaster were neglected: For remedy whereof,

Paymaster of the 9th reg't. allowed further time to perform certain duties.

Sec. 2. *Be it further enacted*, That the further time of twelve months from and after the passage of this act, be given to the paymaster of the ninth regiment to perform the duties of the act passed January 2d, 1818, as relates to the delinquent list of militia fines in said regiment.

CHAP. CCCCXX.

An ACT to incorporate the Lexington Athenæum.

Approved February 9, 1819.

Subscribers to incorporated.

Sec. 1. *BE it enacted by the General Assembly of the Commonwealth of Kentucky*, That those persons who are already subscribers to the Lexington Athenæum, together with those who shall hereafter become subscribers, in manner hereinafter directed, shall be, and are hereby created and made a corporation and body politic, by the name, style and title of the "President and Directors of the Lexington Athenæum," and shall so continue until the first day of January, in the year 1840; and by that name are hereby made able and capable in law to have, purchase, receive, possess, enjoy and retain, to themselves and their successors, land, rents, tenements, hereditaments, goods, chattels and effects, of what kind, nature and quality soever, to an amount not exceeding in the whole thirty thousand dollars, and the same to sell, grant, demise, alien or dispose of; to sue and be sued, plead and be impleaded, answer and be answered, defend and be defended, in courts of record, or any other place whatsoever; and also, to make, have and use a

Name.

Powers.

common seal, and the same to break, alter and renew at their pleasure; and also, to ordain, establish and put in execution such by-laws, ordinances and regulations as shall seem necessary and convenient for the government of said corporation, and which are not contrary to law; and generally, to do and execute all and singular the acts, matters and things which to them it shall or may appertain to do, subject nevertheless to the rules, regulations, restrictions, limitations and provisions hereinafter prescribed and declared.

By-laws.

Sec. 2. It shall be lawful for any person or persons, co-partnership or body politic, to subscribe for so many shares as he, she or they shall think proper, not exceeding ten, until the number subscribed shall, with those already subscribed, amount to the number of one thousand, reserving, however, a right to the president and directors hereinafter mentioned, with the assent of a majority of the subscribers, to increase the said number of shares to two thousand.

Number of shares.

Sec. 3. The amount of the shares and annual contributions shall be regulated by the by-laws and ordinances of said corporation.

Sec. 4. The subscribers of the Lexington Athenæum, or a majority of those present, shall annually elect a president, secretary, treasurer and five directors, who shall continue in office one year from the time of election.

Election of officers.

Sec. 5. The said subscribers shall meet for the purpose of electing the first president, secretary, treasurer and directors, under this act, at their reading rooms in Lexington, on the first Monday in April next, and on the same day in every year thereafter, at such place as the president and directors then in office shall appoint, of which appointment four weeks' notice shall be given in some newspaper published in Lexington; and in case it should at any time happen that an election of president, secretary, treasurer and directors should not be made on the day when, pursuant to this act, it ought to have been made, the said corporation shall not for that cause be deemed to be dissolved, but it shall be lawful to appoint another

First meeting.

day, in such manner as shall have been regulated by the laws and ordinances of said corporation, and the former officers shall continue in office until such election is made; and in case of the death, resignation or removal from office of president, secretary, treasurer, director or directors, [or] refusal to act, his place may be filled by a new election for the remainder of the year, in such manner as shall be directed by the laws and ordinances of the corporation.

President and directors to appoint officers, &c.

Sec. 6. The president and directors for the time being shall have power to appoint such officers or servants under them, as shall be necessary for executing the business of said corporation, and to allow them such compensation for their services, respectively, as shall be reasonable; and shall be capable of receiving such other powers and authorities, for the well governing and ordering the affairs of said corporation, as shall be devised, fixed and determined by the laws, regulations and ordinances of the same.

Call meeting.

Sec. 7. The president and directors shall at any time have [it] in their power to call a meeting of the subscribers; and the president and two directors shall be sufficient to form a board, appointing one of themselves president *pro tem.*

Shares may be transferred.

Sec. 8. The shares in the said Lexington Athenæum shall be transferable, under such regulations as shall be prescribed by the by-laws and ordinances of said corporation: *Provided, however*, that the legislature shall at all times possess the power to alter, amend or abrogate the said corporation.

Proviso.

CHAP. CCCCXXI.

An ACT directing the Clerk of Mason County to transcribe a certain Record Book.

Approved February 9, 1819.

Recital.

WHEREAS it is represented by the justices of the county court of Mason, that a deed book marked B. is much injured, a large portion of the leaves of said book being loose and liable to

be lost; that said book contains the deeds for land conveyed from May 1792, to December 1795, lying north of Licking river and extending to the Virginia line; that the injury of said book is not imputable to the present clerk of said court, but that it arose principally from the original binding thereof, at a time when it was difficult to obtain well bound books: Wherefore,

Clerk to copy certain deeds.

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the clerk of the said county court of Mason, be, and he is hereby directed to procure a well bound book, and that he transcribe therein, in a fair and legible hand, all the records of deeds and other instruments contained in said book; and when he shall have completed said transcript, he shall render to the county court of said county an account, on oath, specifying the price paid for said book by him, together with the number of words contained in said book; and said court shall thereupon certify to the auditor of public accounts, the amount that said clerk shall be entitled to, allowing him the price paid for said book, and one and a half cents for every twenty words contained therein, which the auditor is directed to allow and pay out of any taxes that may be received by said clerk, on law process, deeds or county seals.

Fee therefor.

The copy declared valid.

Sec. 2. The transcript thus made in the book hereby directed to be procured, and all copies regularly certified therefrom, shall have the same force and effect as the book hereby directed to be transcribed, or copies obtained therefrom, would or might have had, either in law or equity.

CHAP. CCCCXXII.

An ACT for the benefit of Margaret Swim and Jane Berry.

Approved February 9, 1819.

Recital.

WHEREAS it is represented to the present general assembly, that Margaret Swim, of Fleming county, is a poor widow, and has several small children; that her husband died in the ser-

vice of his country, and that she is an object of charity:

Register to issue a warrant for 100 acres, to M. Swim.

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That it shall and may be lawful for the register of the land-office, on the application of said Margaret Swim, without fee, to issue to her a land warrant for one hundred acres, to be located to include the land on which she resides, in said county, and to survey and carry the same into grant as in other cases, and without fee.

Further recital.

And whereas it is represented to the general assembly, that Jane Berry, widow and relict of John Berry, deceased, who died on the campaign to New-Orleans, after the battle of the 8th of January 1815, is living on a piece of vacant land in Caldwell county; and whereas the said widow is poor, and has four children: Therefore,

Register to issue a warrant for 200 acres, to J. Berry.

Sec. 2. *Be it further enacted*, That the register of the land-office be, and he is hereby authorised and required to issue a land warrant to the said Jane Berry, for two hundred acres, without the auditor's quietus therefor; which warrant shall be surveyed so as to include the place where said widow now resides; and the title of the land so surveyed, shall only be vested in said widow during her natural life, after which the same shall descend in parcenary to the said four children, the heirs of said John, deceased: *Provided*, that nothing herein contained shall be so construed as to affect the claim or claims of any person or persons whatever, to the land hereby authorised to be surveyed: *And provided also*, that the said warrant shall not, nor any part thereof, be surveyed on any lands south and west of the Tennessee river.

Proviso.

CHAP. CCCCXXIII.

An ACT supplemental to the act establishing the County of Owen.

Approved February 9, 1819.

BE it enacted by the General Assembly of the Commonwealth of Kentucky, That the county of Owen, shall be, and the same is hereby attached to the second judicial district, instead of the third judicial district.

CHAP. CCCCXXIV.

An ACT authorising the conveyance of certain Lands belonging to the heirs of Mary Boyd and Amy Robinson.

Approved February 9, 1819.

Comm'rs. appointed to convey certain lands belonging to the heirs of Mary Boyd.

SEC. 1. *BE it enacted by the General Assembly of the Commonwealth of Kentucky*, That William G. Boyd and George Robinson, are hereby appointed commissioners, and invested with full power and authority to transfer and convey to Jacob Newland, William Newland and John Newland, the heirs at law of John Newland, or to transfer and convey to Benoni Newland, or any vendee or vendees of the last named John Newland, or any vendee or vendees of the said William G. Boyd, by deed with covenants of special warranty, all the right and title of William Wallace Boyd and John Newland Boyd, infant heirs of Mary Boyd, late wife of William G. Boyd, in and to any lands lying in the county of Shelby, and which have descended to the said William Wallace Boyd and John Newland Boyd.

And Amy Robinson.

Sec. 2. *Be it further enacted*, That the same commissioners are also invested with the like power and authority to transfer and convey by deed with like covenants, to the said heirs of John Newland, or to transfer and convey to Benoni Newland, or any vendee or vendees of the same John Newland, or any vendee or vendees of the same George Robinson, all the right and title of Lucy Robinson, John Robinson, Thomas Robinson, New-

land Robinson and Jane Robinson, infant heirs of Amy Robinson, in and to any land lying in the county of Shelby, and which has descended to the said last named heirs, from their mother, Amy Robinson, late wife of the said George: *Provided, however*, that each of the aforesaid infants shall be allowed two years after they arrive at the age of twenty-one years, respectively; to institute any suit or suits for the purpose of rescinding any and all conveyances which shall have been made through fraud or collusion, under color of this act. Proviso.

CHAP. CCCCXXV.

An ACT authorising suits against heirs and devisees in certain cases, and limiting the time of bringing suits against executors and administrators.

Approved February 9, 1819.

A separate action may be brought against heirs & devisees, on the contract of their ancestor, where it officially appears there are no assets in the hands of the ex'rs or adm'rs to satisfy it.

SEC. 1. *BE it enacted by the General Assembly of the Commonwealth of Kentucky*, That in all cases where a judgment has been, or shall be obtained against the executor or administrator of a deceased person, on a contract on which a joint action might have been maintained against the executor or administrator and the heirs or devisees of the deceased person, if it shall appear, by a judgment of record, or by the return of the proper officer, that there is not property of the deceased in the hands of the executor or administrator, to satisfy such judgment, it shall be lawful to bring a separate suit against the heirs or devisees on such contract; and the judgment against the executor or administrator, if not satisfied, shall be no bar to the suit against the heirs or devisees.

A judgment against the executors or administrators on such contract, no bar to recovery, unless it is satisfied.

Sec. 2. On all such contracts, if no person administer on the goods and chattels of the deceased for the space of one year after his or her death, a separate action may be maintained against the heirs and devisees.

A separate action may be maintained on such contract,

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land Robinson and Jane Robinson, infant heirs of Amy Robinson, in and to any land lying in the county of Shelby, and which has descended to the said last named heirs, from their mother, Amy Robinson, late wife of the said George: *Provided, however*, that each of the aforesaid infants shall be allowed two years after they arrive at the age of twenty-one years, respectively; to institute any suit or suits for the purpose of rescinding any and all conveyances which shall have been made through fraud or collusion, under color of this act. Proviso.

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A separate action may be brought against heirs & devisees, on the contract of their ancestor, where it officially appears there are no assets in the hands of the ex'rs or adm'rs to satisfy it. A judgment against the executors or administrators on such contract, no bar to recovery, unless it is satisfied.

Sec. 2. On all such contracts, if no person administer on the goods and chattels of the deceased for the space of one year after his or her death, a separate action may be maintained against the heirs and devisees.

A separate action may be maintained on such contract,

The clerk of the court of appeals, on application, to make out copies of records and transmit them to the clerk of the circuit court to which the original papers were removed.

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That it shall be the duty of the clerk of the court of appeals, upon the application of any person wishing to procure a complete copy of the record of any suit at law or in equity, to make out a true copy of so much of the record of any suit as yet remains on the record books of said supreme court in his office, and transmit the same to the clerk of the circuit court where the original papers were removed to by virtue of the provisions of the before recited act.

Duty of circuit court clerks in relation thereto.

Sec. 2. *Be it further enacted*, That it shall be the duty of the several clerks of the circuit courts where the original papers of any suit were removed, to receive the copy made out by the clerk of the court of appeals as aforesaid, and file the same in his office; and he shall, upon a like application, make out a complete copy of the record from the original papers and the copy received by him from the clerk of the court of appeals; which, when made out as aforesaid, and certified by the clerk of the circuit court, shall be received as evidence in any court of record in this commonwealth, in as full and ample a manner as if the same had been made out by the clerk of the court of appeals, or the clerk of the late supreme court for the district of Kentucky, any law or usage to the contrary notwithstanding.

Copies from those copies may be received as evidence &c.

Sec. 3. *And be it further enacted*, That it shall be the duty of the clerk of the circuit court to note upon the record, what portion of the record was made from the [office of the] clerk of the court of appeals, and what portion from his own office.

CHAP. CCCCXXVIII.

An ACT establishing and regulating certain Towns in this Commonwealth.

Approved February 9, 1819.

Marion established.

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That a town be established in the county of Gallatin, on the Kentucky river, on the land owned by John T.

Hawkins, William Cochran and others, at the place where the road from Cincinnati to Newcastle crosses said river, to be called and known by the name of MARION; and that John T. Hawkins, William Cochran, Richard Valandingham, Moses Baker and Thomas Woolfolk, be, and they are hereby appointed trustees of said town; and they shall cause not exceeding two hundred acres of land to be laid off, including the lots laid off by said Hawkins and Cochran, as the boundaries of said town, and cause a certified plat thereof to be recorded in the clerk's office of the court of said county, and another to be recorded in the book of said trustees.

Trustees.

Lots to be laid off.

Sec. 2. *Be it further enacted*, That a town be established on the land owned by Elijah Creel and Elsey Creel, in Cumberland county, on the south side of Cumberland river, adjoining the land of Thomas Graves, to be known by the name of CREELSBOROUGH; and that any number of acres, not exceeding one hundred, be laid off by Charles Thomas, James Fergus, sen. John M. Emerson, Richard Graves, Joel Owsley and James Richey, who are hereby appointed trustees of said town; who shall cause two plats of said town to be made out, one of which shall be recorded in the clerk's office of the court of said county, and the other in the book of said trustees.

Creelsborough established.

Trustees.

Sec. 3. That a town be established on the land owned by Goodman Oldham, on the state road, in Knox county, to be called and known by the name of OLDHAMSVILLE; and that any number of acres not exceeding fifty, be laid off by John Jackson, Jarvis Jackson, William M'Kee, John Brodus and John Freeman, who are hereby appointed trustees of said town; who shall cause two plats of said town to be made out, one of which shall be recorded in the clerk's office of the county court of said county, and the other in the book of said trustees.

Oldhamsville established.

Trustees.

Sec. 4. That the proprietors of the aforesaid towns of Marion, Creelsborough and Oldhamsville, shall, previous to the sale of said lots, respectively, enter into bonds with good security, in their res-

The trustees of said towns to give bonds.

Condition.

pective county courts, conditioned to pay the amount of the sale of said lots to any person who may hereafter set up and establish a better and superior title to said lands.

North Middletown.

Said towns to elect trustees.

Sec. 5. That it shall and may be lawful for the white male inhabitants of said towns, and also of North Middletown, in the county of Bourbon, of the age of twenty-one years or upwards, to elect, on the first Monday in June, annually, five fit persons as trustees for said towns respectively, who shall hold their offices until their successors shall be elected and qualified. The said elections shall be holden by the clerks of said respective boards, who shall give one week's previous notice thereof by advertisements in writing.

To pass by-laws.

Sec. 6. That the trustees, respectively, so elected, and their successors in office, or a majority of them, shall appoint a president of their own body, and shall have full power to pass such by-laws and ordinances for the government and regulation of said towns, as to them may seem expedient, not contrary to the constitution or laws of this state; and they are hereby empowered to fix such fines or penalties, not exceeding ten dollars, for a breach or breaches of said by-laws, as they shall deem proper; and all fines by them respectively imposed, shall be sued for in the names of the boards of trustees respectively, and be recoverable before any justice of the peace; and the money so recovered shall be appropriated to the benefit of said towns.

Fines, how recoverable.

To appoint a clerk.

Sec. 7. That the said trustees, respectively, shall appoint a clerk, who shall be removable at pleasure, and shall, before he enters on the duty of his office, take an oath, before one of the trustees, to keep a fair record of their proceedings; and the trustees, respectively, for the time being, and their successors in office, shall severally, before they enter on the duties of their office, take an oath, before some justice of the peace, that they will faithfully discharge the duties to them committed, without favor, affection or partiality, a certificate of which oath shall be filed with the respective clerks of said boards of trustees.

Trustees to take oath.

Sec. 8. That the said trustees shall annually appoint for their respective boards, a treasurer, who shall continue in office until a successor be appointed, unless removed, for good cause, by a majority of all the trustees of the board to which he may belong. He shall receive a compensation for his services, to be allowed by the said trustees respectively, not to exceed six per centum on the amount by him received. The treasurer, before he enters on the duties of his office, shall enter into bond, with approved security, payable to the trustees, respectively, and deposited with the clerk, which bond shall be in the penalty of five hundred dollars, and conditioned that he will well and truly discharge the duties of his office; on a breach of the conditions of which bond, the said trustees, or their successors, respectively, may from time to time commence suit and recover judgment thereon; and on issuing execution on any judgment so obtained, the clerk issuing the same shall endorse that no security be taken. And said treasurer, if he fails to pay over any money in his hands, after being ordered so to do by a board of said respective trustees, shall be liable, on suit brought therefor on his said bond, to pay the same, together with fifteen per centum damages on the amount thereof, together with interest thereon and the costs of suit.

Treasurer to be appointed.

Treasurer to give bond.

May be put in suit.

Sec. 9. The trustees, respectively, shall appoint a town assessor, who shall assess the value of all lots in said towns and the improvements thereon, and such other property as the trustees, respectively, may direct, and also take a list of all the housekeepers, with the numbers of white male inhabitants, over twenty-one years of age, resident in each family; which assessments and lists shall be returned by the assessors to the clerks of the respective boards, on or before the time directed by the trustees, and kept for the inspection of those listed thereon; and any person who thinks himself aggrieved by the assessment, may make a complaint to the respective boards of trustees, who shall make any necessary alteration in said assessment or list, that to them may seem expedient and just.

Town assessor and his duty.

Town collector.

Sec. 10. The said trustees, respectively, shall have power to appoint a town collector, who, before he enters on the duties of his office, shall enter into bond, as is herein prescribed for the treasurer, and to continue in office one year, and until his successor be appointed; and in case of a failure to comply with the duties of his office, he shall be subject to the same penalty and proceedings as are herein prescribed in case of treasurer.

Bond.

His duty.

He shall regularly, at the time prescribed by the trustees, respectively, settle with, and pay over to the treasurer, all sums by him collected. The said collectors shall have the same power to collect and distrain for the taxes of said towns, which the sheriffs now possess for the collection of the taxes of this commonwealth, and shall have a compensation for their services, to be allowed by the trustees respectively, not exceeding six per cent. on the amount by them collected.

Amount of tax that may be levied.

Sec. 11. The said trustees, respectively, and their successors in office, or a majority of them, shall have power and authority to impose a tax, annually, on the persons and property, both real and personal, within the limits of such respective towns, not exceeding fifty cents on each tithe, and twenty-five cents on every hundred dollars' worth of property therein.

Who may be a trustee.

Sec. 12. That no person shall be elected a trustee of either of said towns, unless he be the fee simple owner of ground therein, and resides in said town, and shall also be above the age of twenty-one years; and in case of a vacancy in either of the boards of trustees, by death, resignation or removal out of said town, the said trustees, respectively, or a majority of them, shall have full power to fill such vacancy or vacancies; and the member or members so added, shall continue in office until the succeeding annual election.

Vacancies, how filled.

Further powers of trustees.

Sec. 13. The trustees, respectively, shall have power to impose a tax on any person or persons, who, for a compensation, shall exhibit any show within the town; which tax shall not exceed ten dollars per day, for each feat or show, collectable by any one of the trustees, by warrant in the

name of the trustees of said town, together with cost of suit.

Nuisances may be removed.

Sec. 14. The trustees of said towns shall have the exclusive privilege, by an ordinance or by-laws, of declaring what shall be a nuisance or obstruction in said town; and that whensoever any such nuisance or obstructions may be erected or created in said towns, by any person or persons whatsoever, or by any tenant or other persons in whose possession the premises are, that the trustees may impose a fine by their by-laws, not exceeding ten dollars, collectable by warrant in the name of the trustees, for every twenty-four hours such nuisance may remain in said town; or they may, at their election, remove the same at the expence of the person or persons erecting or creating the same.

Penalty on trustee for not attending their meetings.

Sec. 15. That every trustee who shall fail to attend their appointed meetings, without a reasonable excuse, shall forfeit and pay two dollars for every failure, to be appropriated for the use of said town; which fines shall be collected upon judgment from any justice of the peace.

Taxes to be applied to the improvement of town.

Sec. 16. All taxes, fines or assessments that may be collected and recovered by the trustees of said towns, respectively, under the provisions of this act, shall be by them applied to the improvement of the streets and alleys, and to such other purposes as they may deem necessary for the general benefit and safety [of] said towns.

Further duty of collectors.

Sec. 17. It shall be the duty of the collector, as soon as the list of taxes is put into his hands for collection, to proceed to collect from the persons on his list the amount so charged against them;

May distrain.

and on their failing or refusing to pay the amount, may proceed to collect the same by distress and sale of the personal or real estate of such persons, or so much thereof as will be sufficient to pay the tax and expences of distress and sale—first giving ten days' notice of the sale, by advertising at some public door in said towns.

CHAP. CCCCXXIX.

An ACT extending the terms of the Bath Circuit Court.

Approved February 9, 1819.

BE it enacted by the General Assembly of the Commonwealth of Kentucky, That the circuit court of Bath county, shall hereafter commence on the third Mondays in March, June and September, and continue in session twelve juridical days, if the business of the court shall require it.

CHAP. CCCCXXX.

An ACT supplemental to "an act altering the mode of taking in Lists of Taxable Property."

Approved February 9, 1819.

Comm'rs. to call on persons to give in lists of property that may have been omitted for previous years.

BE it enacted by the General Assembly of the Commonwealth of Kentucky, That it shall be the duty of the several commissioners, that shall be hereafter appointed according to the provisions of an act entitled "an act to alter the mode of taking in lists of taxable property," approved February 2d, 1819, to call on every person within their respective districts, subject to taxation, or having property in his or her possession or care, on which any tax may be imposed by law, to state, on oath, whether they have or have not given in a list of their taxable property for the years 1817 or 1818; and if it shall appear that any person thus subject to taxation, shall, from any cause whatever, have failed to give in a true list of their taxable property, in their possession, subject to taxation for the years 1817 or 1818, it shall be the duty of said commissioners to demand and receive from every such person, on oath, an additional list of all their taxable property, or of any property in their possession, subject to taxation for the years aforesaid, which shall be noted in a separate column of the commissioners' books and form a part thereof, to be copied and transmitted by the clerks of the county courts, in the same manner as is described by the

To be transmitted to the auditor.

above recited act; and it shall be the duty of the sheriff or collector to receive said list, receipt therefor, collect and account for the same according to the rules and regulations now provided for by law.

CHAP. CCCCXXXI.

An ACT to amend an act entitled "an act concerning occupying claimants of Land."

Approved February 9, 1819.

Occupant shall be entitled to the crop growing on the land when the writ of possession is awarded.

SEC. 1. *BE it enacted by the General Assembly of the Commonwealth of Kentucky*, That hereafter when a successful claimant shall elect, or be compelled to pay the occupant, or his landlord, the value of the improvements made upon the lands, as now directed by law, the occupant shall be entitled to the crop then growing on the land; and it shall be the duty of the court, on the motion of the person evicted, when the report of the commissioners is acted on, if it appear either from said report, or from parol proof, that there is a crop growing on the land recovered, to direct that no writ of possession issue, until a period of time, to be fixed by said court, giving to the occupant full time to gather and remove his crop off the premises.

Rent to be estimated according to the report of the comm'rs.

Sec. 2. *And be it further enacted*, That the court, in all such cases, shall, in entering judgment on the commissioners' report, estimate the rent of the premises, according to the rate stated in said report, up to the time fixed by the court for the issuing the writ of possession. If part only of the premises have a growing crop on it, the court may by their order authorise the issuing the writ of possession as to part of the premises, at one time, and for the residue at another time.

CHAP. CCCCXXXII.

An ACT for the benefit of Lawrence Flournoy.

Approved February 9, 1819.

Lands of a lunatic directed to be sold and conveyed by comm'rs.

SEC. 1. *BE it enacted by the General Assembly of the Commonwealth of Kentucky*, That William B. Summers and Jones Hoy, or either of them, be invested with full power to sell and convey, for and in the name of Lawrence Flournoy, a person of unsound mind, the balance of a tract of land which remains undisposed of, it being part of a tract of six hundred and seventy-six acres, situated in Franklin county, on the waters of Benson, that was patented to said Flournoy; and that they, or either of them, be authorised to make deeds, in the name of said Flournoy, to the persons to whom he sold, heretofore, other portions of said tract, when of sound mind.

Comm'rs. to give bond.

SEC. 2. That before the commissioners appointed as above, or either of them, shall act in the premises, they shall give bond and security, to be approved of by the circuit court of Fayette, in such manner, and with such penalty and conditions as shall be directed by said court, for the faithful performance of the powers given by this act, and the just application of the funds arising from the sale of said lands; and said court may make a suitable allowance to said commissioners, for their trouble and expence.

CHAP. CCCCXXXIII.

An ACT for the benefit of Catherine Amis, Agness Snider, Rebecca Mitchell and John Hole.

Approved February 9, 1819.

Register to issue a land warrant to C. Amis for 50 acres.

SEC. 1. *BE it enacted by the General Assembly of the Commonwealth of Kentucky*, That it shall and may be lawful for the register of the land-office to issue a land warrant to Catherine Amis, a poor widow, of Clay county, for fifty acres, which may be located upon any vacant land in this commonwealth; and upon the said Catherine Amis producing to the register a plat and certificate of

survey, he shall issue a grant as in other cases, without fee therefor.

To A. Snider, for 50 acres.

Sec. 2. *Be it further enacted*, That it shall be lawful for the register of the land-office to issue to Agness Snider, of Wayne county, a warrant for fifty acres of land, which may be surveyed on any waste and unappropriated land in this state; and upon the plat and certificate of survey being returned to the register's office, he shall issue a grant, without fee therefor.

To R. Mitchell for 50 acres.

Sec. 3. *Be it further enacted*, That the register of the land-office is hereby authorised and required to issue a land warrant for fifty acres of land, to Rebecca Mitchell, of Casey county, which she may have surveyed on any waste and unappropriated land in this commonwealth; and on a plat and certificate of survey being returned to the register, he shall receive and register the same, without fee, and issue a grant as in other cases.

To J. Hole, for 50 acres.

Sec. 4. *Be it further enacted*, That the register of the land-office is hereby authorised and required to issue a land warrant, for fifty acres of land, to John Hole, of Wayne county, which he may have surveyed on any waste and unappropriated land in this commonwealth; and on a plat and certificate of survey being returned to the register, he shall receive and register the same, without fee, and issue a grant as in other cases: *Provided*, that neither of the land warrants issued under the provisions of this act, shall be surveyed on the lands lately purchased of the Indians, or so as to prejudice the prior rights of any person or persons whatsoever.

Proviso.

CHAP. CCCCXXXIV.

An ACT to extend the limits of the Town of Perryville.

Approved February 9, 1819.

Limits may be extended one mile square—

SEC. 1. *BE it enacted by the General Assembly of the Commonwealth of Kentucky*, That it shall and may be lawful for the trustees of the town of

the present plan in the centre.

Perryville, and they are hereby authorised to extend the limits of said town to one mile square—making the centre of the present established plan, the centre of said town when so extended, and the extended limits to be run parallel with the present limits: *Provided*, that said trustees shall not be authorised to open any street or alley through any of the out lots beyond the present established limits of said town, without the consent of the owner; nevertheless the owner of any out lot adjoining the present established plan, may at any time open and extend the streets and alleys through their said lot, as may those also who adjoin them, so as not to interfere with any out lot, without the consent of the owner.

Proviso.

Trustees to have power over such part.

Sec. 2. Whenever any street or alley shall be opened, or lots laid off, in the manner above mentioned, within the extended limits of said town, the same shall immediately become subject to the control of, and under the management of the trustees of said town, who shall have the same jurisdiction and power over the same as they now have over the streets, alleys and lots within the present limits of said town; and all persons owning property or residing within the limits of said mile square, shall be subject to the same laws, rules and regulations, and enjoy the same privileges and advantages that the owners of property and citizens of the present plan are subject to, or enjoy, with the exceptions aforesaid.

All persons residing within the limits, to be under the regulations of the town.

CHAP. CCCCXXXV.

An ACT for the benefit of the heirs of John Marshall.

Approved February 9, 1819.

Recital.

WHEREAS it is represented to the present general assembly, that John Marshall, deceased, of the state of Virginia, did, in the year ——, cause to be located in the then county of Jefferson, on the waters of Little Kentucky, 500 acres of land, and caused the same to be surveyed on the 15th day of November, 1783, a plat and certificate of the same having been returned to the

office of the principal surveyor of Jefferson county, and owing either to neglect of his agent, or some other accident, unknown to his heirs, who were all infants, one of whom, since he arrived at lawful age, has removed to this state, and settled himself on the said tract of land, entered the same for taxation before a commissioner of the county of Henry, and paid the tax therefor, for the last five or six years; and on a search being made in the register's office, it appears there has no grant issued for said tract of land:

Register to receive a duplicate of plat & certificate of survey.

BE it enacted by the General Assembly of the Commonwealth of Kentucky, That the register of the land-office be, and he is hereby directed to receive a duplicate of the plat and certificate of survey, properly certified from the surveyor's office of Jefferson county, and issue a grant thereupon to the heirs of John Marshall, deceased, for the said 500 acres of land, on the production of a quietus from the auditor of public accounts, for all arrearages of taxes (if any) that may be due and unpaid for said tract of land: *Provided*, the same shall not affect any prior claim or claims of any person or persons whatsoever.

Proviso.

CHAP. CCCCXXXVI.

An ACT for the benefit of Rebecca Gill and others.

Approved February 9, 1819.

Register to issue a warrant to Gill for 50 acres of land.

SEC. 1. *BE it enacted by the General Assembly of the Commonwealth of Kentucky*, That the register of the land-office be, and he is hereby authorised to issue a land warrant, for fifty acres of land, in favor of Rebecca Gill, without the state price being paid, or fee therefor; which warrant may be located on any waste and unappropriated land in this state, north of Tennessee river.

Recital.

And whereas it is represented to the present general assembly, that John Arnold, on behalf of himself and others, located and had surveyed 1000 acres of land, in what was formerly Lincoln, now Franklin county, in the name of John

Crutchfield, assignee, &c. and had the same duly recorded, and that he was by contract to have part of the land so located; that application was made to the surveyor's office, to take out the plat and certificate, in due time, to have it registered, but the survey could not be found; that supposing it had been taken out by some person authorised, and that it was forwarded to the register's office, he made no farther enquiry, until lately, when he found that it had not been registered, nor was there any receipt or memorandum showing that it was taken out of the office—from which circumstance it is probable it was either mislaid in the office, or improperly withdrawn therefrom; and that the time for returning plats and certificates having expired, he is in danger of being deprived of the benefits of said location: For remedy whereof,

Register to receive plat and certificate.

Sec. 2. *Be it further enacted by the General Assembly of the Commonwealth of Kentucky*, That the register of the land-office be authorised and directed to receive and record the said plat and certificate of survey, and that a grant may issue thereon as in other cases.

CHAP. CCCCXXXVII.

An ACT to incorporate the Eddyville Steam Mill Company.

Approved February 9, 1819.

Recital.

WHEREAS it is represented to the present general assembly, that sundry citizens of Caldwell county, and the neighboring counties, are desirous to erect and establish a steam mill in the town of Eddyville, in Caldwell county; and although such a mill will conduce greatly to the convenience and benefit of that part of the country, it will be attended with too much expence to be effected by individual enterprize:

Names of persons incorporated.

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That John H. Phelps, William S. Bailey, Blake Baker, Henry Machen, Arnold Jacob, H. K. Lewis, Edward

Head, G. D. Cobb, Matthew Lyon, jun. John Bradley, Jesse Cobb, Edward H. Tarrent, John Jackson, Thomas Beck, John M'Carty and John H. Ball, together with all such persons as may hereafter become shareholders in the proposed institution, shall be, and they are hereby incorporated and constituted a corporation and body politic, by the name and style of "The President and Directors of the Eddyville Steam Mill Company."

First meeting.

Sec. 2. The shareholders shall meet at the house of E. H. Tarrent, in Eddyville, on the third Monday in May next, and on the same day in every year thereafter, for the purpose of choosing a president and four directors. The president and directors shall continue in office one year, and until another president and directors shall be chosen; and in case an election shall not take place at the time appointed by this act, the corporation for that cause shall not be dissolved.

Officers, how long to continue in office.

Corporate powers.

And the said company are hereby made capable in law to purchase, receive, hold, possess and enjoy, in due succession, until the year 1852, lands, tenements, hereditaments, goods, chattels and effects, of what kind, nature or quality soever, and the same to sell, grant, demise, alien or dispose of at pleasure; and to sue or be sued, plead or be impleaded, compromise or arbitrate, in all matters and things, in law or equity, in any court whatsoever, and to make and use a common seal; also, to make such by-laws as may be necessary for the management, government and regulation of the affairs of the said corporation, to have full force and effect, provided that they be not contrary to the constitution or the laws of this state or the United States; and generally, to do all and singular such matters and things which may be necessary, or of right may appertain or belong to a corporation of the same nature and powers:

By-laws.

Shareholders' property liable for corporate debts.

Provided, however, that the estate and property of each individual shareholder shall be liable for the discharge of the debts of the corporation, in case of the insufficiency of its funds, for no more than a proportionate share thereof, according to the stock he held in the corporation, of such debt,

for which proportion the property or estate of each stockholder shall be holden, and no more.

Shares.

Sec. 3. Each share shall be one hundred dollars, and the whole number of shares shall not exceed five hundred; and every person, on subscribing, shall pay down ten dollars on each share he subscribes, to some person authorised to receive subscriptions; ten dollars at the end of three months from that time; twenty dollars at the expiration of three other months, and so quarterly, until the whole hundred dollars upon each share is paid.

How paid.

Who to receive subscriptions.

Subscriptions for shares in the said corporation may be received, after duly advertising their power, by John H. Phelps, William S. Bailey and Matthew Lyon, jun. until the first meeting of the shareholders under this act, when a majority of two thirds of the shareholders shall designate the persons to receive subscriptions, or sell stock, under the regulations agreed upon by at least two thirds of the shareholders; and the shares may be transferred, according to the mode agreed on by the president and directors, or a majority of them; who shall have power to call a special meeting of the stockholders, and to employ such managers, agents, mechanics, clerks, laborers and servants, teams or boats, as they may deem necessary for the business of the said corporation; and they shall be capable of exercising such other powers, for the ordering the affairs of the corporation, as shall be consistent with the by-laws; and their compensation for their services shall be agreed upon by a majority of the stockholders, at their annual meeting.

Shares transferable.

Special meeting.

Agents, &c.

Who may vote

Sec. 4. After the dissolution of the meeting of the shareholders, agreeably to this act, on the third Monday in May next, no person shall have a right to vote on any share which he has not held or owned at least three months, nor shall any person vote by proxy for more than five shares.

Scale of voting

Every shareholder holding or owning no more than ten shares, may have votes according to his shares; the owner of more than ten shares, may have one vote for every two shares he owns above ten, until he becomes entitled to thirty votes.

Sec. 5. Upon failure of any of the subscribers to pay the instalments of the stock they have subscribed for, or any part thereof, for three months after such instalment becomes due, the money paid by such delinquent (in case he has paid but the first, or the first and second instalments only) shall be forfeited to the corporation. In other cases of failure of paying the after instalments as they become due, and for three months after, it shall be lawful for the person authorised to receive the subscriptions or sell the stock, to sell the share or shares on which such delinquency accrues, at public vendue, to the highest bidder, on a credit of two months, after having advertised the proposed sale three times in the newspaper printed in Hopkinsville, at least ten days before the day of sale—which sale shall be at Eddyville; and the purchaser shall be entitled to all the benefits, and subject to all the requirements the original shareholder was entitled by virtue of his subscription and the payment he had made, and the delinquent shall be entitled to receive one half of the sum for which his share or shares were sold, over and above the just due of the corporation, the other half to accrue to the use and benefit of the corporation.

Shares of delinquent stock holders may be sold.

How to be sold

On credit.

Purchaser entitled to all benefits.

Sec. 6. The said corporation shall be so restricted as to holding landed property, that it shall not be lawful for them to purchase or hold more than one thousand acres of wood-land, for the attainment of fuel for the use of the mill, and not more than five acres for and adjacent to the mill.

How much land the corporation may hold.

Sec. 7. It shall be the duty of the president and directors to lay before the shareholders, at their annual meeting, a full and perfect statement of their disbursements of their income, and the debts of the corporation, and the property of which shall be open to the inspection of a person or persons authorised for that purpose by the general assembly, whenever they so require; and it is declared, that the legislature shall at all times have power to repeal, alter or amend this act of incorporation, in consequence of the violation of any of the purposes or prohibitions herein contained.

President and directors shall lay a statement before stockholders, annually.

Legislative power reserved.

CHAP. CCCCXXXVIII.

An ACT concerning the Estill Academy.

Approved February 9, 1819.

SEC. 1. *BE it enacted by the General Assembly of the Commonwealth of Kentucky*, That the Estill county court shall from time to time appoint five trustees of the Estill academy; and said trustees, so to be appointed by said court, and the present trustees, the said court shall remove from office, whenever to said court it shall seem proper: *Provided, however*, that a majority of all the members composing said court, shall concur in said choice or removal.

Sec. 2. *Be it further enacted*, That the persons so appointed, shall, before entering upon the duties of their said office, take an oath, before the clerk of said court, faithfully to discharge the duties of said office.

Sec. 3. *Be it further enacted*, That the trustees of said academy shall immediately collect all the debts due to said institution, by suit, if necessary; and said trustees shall, when called on by said court, render a just and true account of their actings and dealings as trustees, and of the debts due to and from said institution.

CHAP. CCCCXXXIX.

An ACT for the benefit of the heirs of Philip Barbour, deceased, and the administrator of Jennings M'Daniel.

Approved February 10, 1819.

Preamble.

WHEREAS it hath been represented to the general assembly, that Philip Barbour, lately deceased, died intestate, leaving Elizabeth B. Barbour, his widow, with five small children; and it further appears that the said intestate was indebted, at the time of his death, in divers sums of money, which it becomes immediately necessary to pay and discharge, and which can in no other wise be done, unless by the sale of some of the property of the intestate: Therefore,

Comm'rs. appointed to sell real estate of decedent.

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the said Elizabeth B. Barbour, administratrix and relict of the said intestate, Samuel Hopkins and Thomas Towles, be, and they are hereby authorised to sell, upon such credit as they may deem proper, (not exceeding one year) all that part of the real estate of the intestate, consisting of certain unimproved lots and parts of lots lying and being in the town of Henderson, in Henderson county, and to apply the proceeds of the said sale towards the payment of the debts of the intestate, Philip Barbour, deceased.

To enter into bond.

Sec. 2. *Be it further enacted*, That before the said Elizabeth, Samuel, and Thomas, enter upon the performance of the duties enjoined on them by this act, they shall enter into bond, with good security, in the county court of Henderson county, to double the amount of the value of said lots, conditioned for the faithful discharge of the duties enjoined on them by virtue of this act; and which bond shall be governed in every respect by the principles and the laws applicable to the bonds of administration granted on intestate estates.

Condition.

Sales made valid.

Sec. 3. *Be it further enacted*, That any sale or conveyance which may be made by said Elizabeth, Samuel, and Thomas, in pursuance of the authority vested in them by this act, shall be good, effectual and valid in law and in equity, to all intents and purposes.

Recital.

And whereas it is represented to the general assembly, that it would be to the interest of the heirs of Jennings M'Daniel, deceased, to sell a part of the real estate of said decedent, for the purpose of paying the debts of said decedent: Therefore,

Adm'rs. of M'Daniel authorised to sell real estate.

Sec. 4. *Be it further enacted*, That it shall be lawful for the administrator of said M'Daniel, deceased, in conjunction with the heirs over age; and the guardians of those under age, to petition the circuit court of Barren county to authorise the administrator to sell so much of the real estate of said decedent as will be sufficient to pay the debts; which petition shall state, separately, the value of the personal property, lands and negroes,

and also the debts owing by the decedent, and shall be verified by the oaths of the petitioners, and two or more creditable persons. And the court may, if upon such petition it shall seem proper and advantageous to the heirs of said decedent, decree a sale of the whole, or any part of the landed estate of said decedent, for the purpose of raising a fund for the payment of the debts; and the administrator, in conducting the sale, shall be governed by such rules as the court in the decree may prescribe, and shall execute such bonds for the faithful application of the money arising from the sale, as the court shall require.

Proceeds to be applied to pay debts of intestate.

CHAP. CCCCXL.

An ACT to establish the Town of Francesburg, in Union County.

Approved February 10, 1819.

Recital. WHEREAS it is represented to the general assembly of the commonwealth of Kentucky, that certain land, owned by Benjamin Berry and Peter Casey, at the mouth of Highland creek, in Union county, on the Ohio river, affords a good site for a town, and that they have caused the same to be surveyed and laid off in convenient streets and lots for that purpose:

Town established. Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That it shall and may be lawful for the said Benjamin Berry and Peter Casey to cause a plat of the land so laid off to be recorded in the office of Union county court, within six months after the passage of this act; and thereupon the same shall be established a town, by the name of Francesburg.

Proprietors to sell and convey lots. Sec. 2. *Be it further enacted*, That the said Benjamin Berry and Peter Casey shall have full power and authority to sell and convey the lots of the town aforesaid.

May elect trustees. Sec. 3. *Be it further enacted*, That so soon as there shall be resident in said town, fifteen white males above the age of twenty-one years, it shall

and may be lawful for them to elect five trustees, for the government of the same, at any public house in said town which the said Benjamin Berry and Peter Casey may designate, of which election the said Benjamin Berry and Peter Casey shall give ten days' notice in writing, at the door of some public house in said town.

Their powers.

Sec. 4. *Be it further enacted*, That the said trustees so to be elected shall have full power and authority to pass any by-laws or ordinances for the regulation and government of said town, not inconsistent with the constitution and laws of this commonwealth. They shall have the right to raise any sum not exceeding fifty dollars per annum, upon such property in said town as is subject to taxation by the revenue laws of this state, to be applied to the use and benefit of said town, in such manner as they shall think fit.

Sec. 5. *Be it further enacted*, That the said trustees are hereby authorised to recover any sum, not exceeding five dollars, for a breach of any of their by-laws or ordinances; which fine shall be recovered by warrant in their name before any justice of the peace; which fines shall be applied to the use and benefit of said town: *Provided*, that the said trustees shall, before they can recover any fine or fines, for any breach of their by-laws or ordinances, have a copy of their by-laws or ordinances set up at some public place in said town, at least three weeks.

Continuance in office.

Sec. 6. *Be it further enacted*, That the said trustees so to be elected, shall remain in office for and during the term of one year from and after their election, and shall designate the place in said town at which their successors in office shall be elected.

To be residents of town.

Sec. 7. *Be it further enacted*, That no person shall be elected a trustee of said town, who does not reside within the said town.

To elect a clerk, &c.

Sec. 8. *Be it further enacted*, That the said trustees shall have power to appoint a clerk, whose duty it shall be to keep a fair transcript of all their proceedings, and shall make to said clerk such allowance for his services as they may think proper.

Sec. 9. *Be it further enacted.* That if at any time an election of trustees should not be held, according to the provisions of this act, the trustees in office shall be and remain in office until an election can be held.

Proprietors to enter into bond, and condition thereof.

Sec. 10. *Be it further enacted,* That the said Benjamin Berry and Peter Casey shall enter into bond, with good and sufficient security, in the county court of the county of Union, conditioned to refund the amount for which said lots may be sold, to any person who may recover the said land by any other and better title; and until such bond be entered into, said town shall not be considered as established by law.

CHAP. CCCCXLI.

An ACT to incorporate a company to improve the navigation of Elkhorn.

Approved February 10, 1819.

Incorporation, for what purpose.

SEC. 1. *BE it enacted by the General Assembly of the Commonwealth of Kentucky,* That a company be incorporated to improve the navigation of Elkhorn, commencing at the mouth thereof, on the Kentucky river; thence up Elkhorn to the forks thereof; thence up the north fork to the neighborhood of Georgetown, and from the forks up the south fork to the neighborhood of Lexington.

Capital.

Sec. 2. The capital stock shall be one hundred thousand dollars, divided into one thousand shares of one hundred dollars each, in the manner hereinafter directed.

Name of corporation.

Powers.

Sec. 3. The company, when formed, shall be, and they are hereby created and made a corporation and body politic, by the name and style of "The Elkhorn Navigation Company," and shall so continue and have perpetual succession, and by that name are hereby made capable in law to sue and be sued, plead and be impleaded, answer and be answered, in all courts of law and equity in this state and elsewhere, and to make, have and use a common seal, and the same to alter or re-

new at pleasure; and also, to ordain and establish such by-laws, ordinances and regulations as shall appear necessary for regulating and conducting the affairs and concerns of the said company, not being contrary to this act. or to the laws and constitution of the state of Kentucky, or the constitution and laws of the United States.

Books for subscription to be opened at Cole's tavern,

Sec. 4. Books for subscription to constitute the capital stock of said corporation, shall be opened, on or before the first day of June next, under the direction of the following commissioners, at Cole's tavern, in Woodford county, for the sale of one hundred shares, under the direction of Alexander Patrick, Samuel M. Wallace, Rowland Chambers, Richard Cole, Benjamin Taylor and Samuel Lewis; at Georgetown, for the sale of four hundred shares, under the direction of Elijah Craig, Job Stephenson, Benjamin Johnson, William B. Keene, Charles Thompson and Elijah Stapp; at Lexington, for the sale of four hundred shares under the direction of Charles Wilkins, John W. Hunt, Richard Huggins, John Brand, James Blythe, James Morrison, Samuel Trotter, Thomas January, William Morton, E. Warfield, E. J. Winter, Matthew Kennedy, Luther Stephens, E. Yeiser, Robert Barr. Henry Payne, John Tilford, Robert Wickliff, John Bradford, William S. Dallam, Leslie Combs, Abraham S. Barton and Robert S. Todd; at Versailles, for the sale of one hundred shares, under the direction of John M'Kinney, jun. Willis Field Nathaniel Hart, William B. Blackburn, Porter Clay and William S. Hunter.

Georgetown,

Lexington,

And Versailles

Shares subscribed, in what manner to be paid.

And in what.

Sec. 5. The subscriptions to form the capital stock of said company, shall be made in the following manner: At the time of subscribing, five dollars shall be paid on each share subscribed, in notes of the Bank of Kentucky or its branches, in notes of the Frankfort Bank, in notes of the Bank of Georgetown, in notes of the Farmers and Mechanics' Bank of Lexington, in notes of the Bank of Versailles, in notes of the United States' Bank or its branches, or in specie; the remaining instalments shall be paid at such time and manner as the president and directors

Further regulations as to

paying instalments.

may require—however, not requiring more than five dollars to be paid on a share at one time, and at least sixty days must elapse between the payments of instalments; notice must be given at least thirty days, of calls for instalments, which must be published in the newspapers of each of the aforesaid towns; and in case of failure to pay the other instalments, agreeable to notice, the stock in that case shall be considered as forfeited, and the managers may proceed and sell the same, as if it had never been subscribed.

Subscription books and money to be transmitted to Lexington.

Sec. 6. At the end of sixty days from the time of opening the books for subscription for the capital stock of said company, the commissioners of other places shall transmit the books of subscription, and the money received, to the commissioners at Lexington, whose duty it shall be to deposite all the money received, in the Farmers and Mechanics' Bank of Lexington, to the credit of the treasurer of this corporation.

Election for officers.

Sec. 7. The commissioners at Lexington shall then give public notice of a time and place where all the subscribers may meet for the purpose of electing a president and twelve directors, to manage the affairs of said corporation; and it shall be lawful for the subscribers to meet accordingly, and to elect a president and twelve directors, (being stockholders) to serve one year, and until others are elected in their stead. The number of votes to which each stockholder shall be entitled, shall be the same as stockholders in the independent banks of this commonwealth: *Provided* the stock should not be taken, the commissioners at Lexington may continue the books open, from time to time, as they may think expedient, until the whole is subscribed.

Number of votes.

Proviso.

Annual meeting.

Sec. 8. The stockholders in said company shall meet at Lexington, annually, on the first Monday in September in every year, for the purpose of electing a president and twelve directors, to continue in office for one year, and until others are chosen in their places. In all vacancies which may happen in their body, the board shall fill such vacancy until the next annual meeting.

Vacancies, how filled.

Sec. 9. The president and directors have the power and authority to appoint a treasurer, clerks and such other officers, servants or laborers as they may think proper, for the management and conducting the affairs of the corporation. President and directors to appoint other officers.

Sec. 10. The president and directors of said company, by themselves or agents, shall have full power to enter, with their superintendants and workmen, as they shall find necessary, into and upon any lands in the vicinity of the proposed canal, and to survey and lay out such route or track as shall be deemed by them most practicable for effecting a safe and easy navigation, by means of locks or other devices, doing as little damage as possible to the grounds and enclosures; and it shall be lawful for the president and directors to contract and agree with the owners of the lands and tenements, for the conveyance of so much as will be necessary for the purpose of making and perfecting the said navigation, and of erecting and establishing all the necessary locks, works and devices to such navigation, if they can agree with such owners; but in case of disagreement, the said company may lay out and open their works on such ground, or pass through any mill-dam, as they may deem best adapted to the purposes of navigation; and on application of either party to the circuit court in the county where the land lies, the court shall appoint seven persons, who shall be freeholders and disinterested, to view and assess damages, and make report thereof to the court; which report, when confirmed and entered of record by said court, shall be final: *Provided*, that either party shall have the right of appeal or writ of error, as in other cases; and upon payment of the money, shall vest in said company the fee simple of said land. And it shall and may be lawful for the said president and directors, with their superintendants, artists, workmen, laborers, boats, carts, waggons, sleds and other carriages, with their beasts of draft and burthen, and all necessary tools and implements, to enter into and upon the mill-dams and lands contiguous or near to the track of the intended canal, and to take and carry away any

Company may enter, survey & lay out rout, &c.

Contract for land.

Viewers may be appointed to assess damages.

Appeal or writ of error may be prosecuted.

Further powers of company.

stone, gravel, earth, timber, &c. being most conveniently situated for making or repairing said lock navigation, and to use the same in carrying on said works, having first made compensation for the same to the owner of said land, if they can agree, if not, then by valuation, in the same manner as before directed.

Fines for injury that may be done the works

Sec. 11. If any person or persons whatsoever shall wilfully and knowingly do any act or thing whatsoever, whereby the said navigation, or any lock, gate, engine, machine or device thereto belonging, shall be injured or damaged, or shall commit any wilful trespass, or take, carry away or conceal any engine, device, machine or instrument used in or about the said locks, or shall open or cause the said locks or gates to be opened, or attempt so to do, or pass or re-pass the same without the knowledge or consent of the agent or manager to said navigation company, he, she or they so offending shall forfeit and pay to the said navigation company, their tenants or agents, threefold the cost and damages by said company sustained by means of such known and wilful act, together with costs of suit, to be recovered as debts of equal amount may be by law recovered.

May purchase land.

Sec. 12. The president and directors shall have power to purchase, at any place at which they may erect dams and locks, any quantity of land not exceeding thirty acres; and should not the president and directors agree with the owner of such land as to the value thereof, it shall be then ascertained by the court as before directed: *Provided, however*, that they shall not, under this section, take from the proprietor more than five acres without his consent.

Proviso.

Rates of toll.

Sec. 13. It shall be the duty of the president and directors to fix the rates or tolls on boats or craft of every description, for each and every year, and to publish and make known the same between the first and tenth day of March—so rated that the dividend shall not be less than ten, nor more than twenty per centum per annum.

Dividend.

Sec. 14. Semi-annual dividends of the profits shall be declared and paid to the stockholders.

Sec. 15. If the capital named in this act should prove to be inadequate to the completion of the navigation or canals contemplated to be made, then in that case the president and directors for the time being may increase the same, by issuing and selling new stock. President and directors may increase the capital.

Sec. 16. The company are expressly prohibited from issuing notes, or exercising any banking powers whatever. Shall not exercise banking powers.

CHAP. CCCCXLII.

An ACT to amend an act entitled "an act to incorporate the Fayette and Madison Turnpike Company, and for other purposes."

Approved February 10, 1819.

Sec. 1. *BE it enacted by the General Assembly of the Commonwealth of Kentucky,* That the further time of two years be allowed for opening the books for subscriptions, agreeably to the second section of an act entitled "an act to incorporate the Fayette and Madison turnpike company, and for other purposes." That as soon as three miles of said road is completed, the county court of Fayette may authorise the erection of a toll-gate or turnpike across said road, agreeably to the provisions of the above recited act. Further time allowed for opening books. May erect a toll-gate when 3 miles of the road is completed.

Sec. 2. *Be it further enacted,* That in addition to the capital stock of the Shelbyville and Louisville turnpike road company, now authorised by law, there shall be allowed thirty thousand dollars, to be divided into three hundred shares of one hundred dollars each; and the president and directors of said company are hereby invested with full power to open, or cause to be opened, subscription books for the said additional stock of thirty thousand dollars, under such rules, regulations and conditions as they may think proper: *Provided, however,* it shall be the duty of the said president and directors to cause the stock authorised by this act to be paid in such manner and at such times as that the last instalments of the said three hundred shares shall be paid at the same Capital of the Shelbyville & Louisville company increased. Number of shares. Subscription books to be opened. Proviso. Additional stock, how to be paid.

time that the last instalment of the original stock may be paid; and the holders of the stock authorised by this act, shall otherwise be entitled to all the rights and privileges, and subject to all the restrictions, rules and penalties to which the original stockholders may be entitled or subject.

CHAP. CCCCXLIII.

An ACT for the benefit of the heirs and devisees of Andrew Todd.

Approved February 10, 1819.

Recital.

WHEREAS it is represented to the present general assembly, that Andrew Todd, late of the county of Bourbon, having departed this life, having made and published his last will and testament, and by some means one moiety of five lots in the town of Flemingsburg, which was intended to be devised to his daughter Mary, was omitted to be mentioned in his will, whereby the same descended to his heirs at law, some of whom are infants; and it also appearing that said lots are unproductive, and if retained will shortly be expensive to the heirs, on account of an order of the board of trustees of the town of Flemingsburg, directing them to pave the street in front of said lots; and whereas the acting executor, trustees and guardians of the infant heirs and devisees of said Andrew Todd, deceased, have petitioned this general assembly to have the said moiety of lots set apart and conveyed to his said daughter Mary, who has since intermarried with the reverend John T. Edgar, and that she receive the same, either at valuation of disinterested individuals, or at a price to be agreed on between themselves, and charged to her as part of a specific devise of two thousand dollars: Wherefore,

Adults and guardians of infant heirs of Todd to set apart and convey certain lots.

BE it enacted by the General Assembly of the Commonwealth of Kentucky, That such of the heirs and devisees of said Todd as are over the age of twenty-one years, and the guardians of those under age, shall be, and they are hereby authorised to convey to the said John T. Edgar and Mary

his wife, late Mary Todd, the remaining moiety of said five lots situate in the town of Flemingsburg, at such price as they shall mutually agree on, or at such price as may be set on the same by two or more disinterested individuals, to be chosen by the executor of said Todd; and the executor of said Todd shall charge the price of said moiety of lots to the said Mary Edgar, to be deducted out of the specific devise to her of two thousand dollars. Price, how to be fixed.

CHAP. CCCCXLIV.

An ACT to extend the June Term of the Hardin Circuit Court, and to alter the time of holding the June Term of the Nelson Circuit Court, and for other purposes.

Approved February 10, 1819.

Sec. 1. *BE it enacted by the General Assembly of the Commonwealth of Kentucky*, That the Hardin circuit court, at their June terms, shall sit twelve juridical days, if the business before them require it; and that the June terms of the Nelson circuit court shall hereafter commence on the fourth Monday, and sit eighteen juridical days, if the business before them require it. Hardin. Nelson.

Sec. 2. *Be it further enacted*, That hereafter the Clay circuit court shall be held on the first Monday in April, July and October in each year; the Knox circuit court shall be held on the second Mondays of April, July and October; the Whitley circuit court, on the third Mondays of April, July and October; the Wayne circuit court, on the fourth Mondays in April, July and October; and the Pulaski circuit court, on the Mondays next succeeding the fourth Mondays in April, July and October in each year. Times of holding certain courts in 12th district altered.

Sec. 3. No process or recognizance shall be affected by the alterations herein made; and that the appearance days, as altered, shall be considered as the appearance days of the terms before the changes herein made. Process, &c. not to be affected.

Sec. 4. *And be it further enacted*, That the law requiring the circuit judges to reside within their Judge of 6th district.

respective districts, be suspended for one year, as to the judge of the sixth district.

Asa't. judges to Harlan.

Sec. 5. That there shall be two assistant judges appointed for the county of Harlan, who shall have the same powers, perform the same duties and be entitled to the same compensation, as was prescribed by law prior to the passage of the law abolishing the office of assistant circuit judges in this commonwealth.

CHAP. CCCCXLV.

An ACT providing for a change of venue in the case of Francis and Sandefur Petty.

Approved February 10, 1819.

Recital.

WHEREAS it is represented to the present general assembly, that Francis Petty and Sandefur Petty stand indicted, in the Cumberland circuit court, upon a charge of murder, and that owing to the prejudice of the citizens of Cumberland county against them, and the undue influence of those who carry on the prosecution, they cannot have a fair and impartial trial in said circuit court; and it also appearing that they are now upon bail: For remedy whereof,

May elect to be tried in Pulaski.

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That at the next term of the circuit court held in and for the Cumberland circuit, the said Francis Petty and Sandefur Petty, upon appearing in court to answer said indictment, they, or either of them, may, and are hereby authorised and allowed to make their election, whether they will be tried in the Pulaski circuit court or not; and if they, or either of them, should not elect to be tried in the Pulaski circuit, on some day of the said term, the Cumberland circuit court shall proceed to try them, or either of them, in the same manner as if this act had not passed.

If they elect to be tried in Pulaski, the election to be entered of record

Sec. 2. That if the said Francis Petty or Sandefur Petty, or either of them, shall, when the question is put to them by the judge of the Cumberland circuit court, elect to be tried in [the]

circuit court of Pulaski county, the court shall have his or their election entered of record; and the clerk of the Cumberland circuit court shall make a certified copy of all the orders, to be sent with the indictment and other papers belonging to the prosecution, to the clerk of the Pulaski circuit court, in the manner hereinafter directed. Upon the election of the said Francis Petty or Sandefur Petty, or either of them, being made to be tried in the Pulaski circuit court, the judge of the Cumberland circuit court shall recognize the said Francis Petty and Sandefur Petty to appear on the first day of the next circuit court thereafter to be held in and for the Pulaski circuit. Should the said Francis or Sandefur fail or refuse to enter into such recognizance as said court may require, the said Cumberland circuit shall have full power and authority to commit the said persons, or either of them, to the jail of Pulaski county; and the sheriff of Cumberland county, in that case shall forthwith convey said prisoners, or either of them, to [the] jail of Pulaski county, and deliver him or them to the jailer of said county, and take his receipt therefor. Said sheriff shall summon such guard as he may think necessary, to assist in taking said prisoner or prisoners to the jail of Pulaski county; and the sheriff and guard shall be allowed the same as is now allowed by law for similar services. And said court shall also recognize all witnesses for the commonwealth to appear on the first day of the said Pulaski circuit court; which recognizances shall be as obligatory on the prisoners and witnesses, as other recognizances are when taken by virtue of any law now in force upon that subject. Attested copies of which recognizances shall be transmitted with the other papers belonging to the prosecution, to the clerk of the Pulaski circuit court, and be as binding, and subject to the like proceedings as other legal recognizances now are.

Papers to be transmitted.

To be recognized to appear in Pulaski.

Guards may be summoned.

Witnesses to be recognized.

Force of the recognizances.

Sec. 3. That as soon as practicable after the order of election made as aforesaid, the clerk of the Cumberland circuit court shall make out certified copies of the orders of his court made in said prosecution, and shall deliver them, together

Copies of proceedings to be made out, and delivered to sheriff.

with the indictment and other papers filed therein, to the sheriff of his county, and take his receipt therefor; and thereupon the said sheriff shall, with all convenient dispatch, take the said papers and indictment and deliver the same to the clerk of Pulaski circuit court, and take his receipt therefor; and the said sheriff shall be allowed six cents per mile for going to and returning from Pulaski, to be paid out of the public treasury. And the said clerk of Pulaski circuit court shall be, and he is hereby authorised to issue a *venire facias*, subpœnas, and any other necessary process, in the same manner as in any prosecutions commenced in his own court; and the circuit court in and for the county of Pulaski, shall have the same jurisdiction, and possess the same power and authority to try said indictment, render judgment or judgments, and cause the same to be executed, as they would have had if said offence had been committed in Pulaski county, and the prosecution been commenced and indictment originated in the Pulaski circuit court; and the said prosecution shall proceed in the same manner, and the same challenge of jurors may be made: *Provided, however*, that the said Francis Petty and Sandefur Petty shall not be discharged at either the first, second or third term of the Pulaski circuit court, after the venue is changed, if through any casualty a trial shall not be sooner had.

Allowance to sheriff.

Clerk of Pulaski to issue process.

Jurisdiction given to Pulaski.

Proviso.

Sec. 4. That if either the sheriff or clerk of the Cumberland circuit court, shall fail or refuse to perform all or any part of the duties by this act directed, each of them shall be subject to a fine of one hundred dollars, recoverable by reasonable notice and rule of court to that effect, with proper time given, in the Cumberland circuit court, in favor of the commonwealth; which fine or fines, sum or sums, shall be applied towards lessening the county levy.

Penalty on the sheriff or clerk of Cumberland for failing in their duty.

Sec. 5. Witnesses attending in the Pulaski circuit court, by recognizance or subpœna, shall be allowed the same per day as is now allowed by law, as also the same for travelling as other witnesses going out of the county by any legal process in similar cases.

Allowance to witnesses.

CHAP. CCCCXLVI.

An ACT for the benefit of William Littell.

Approved February 10, 1819.

BE it enacted by the General Assembly of the Commonwealth of Kentucky, That the auditor of public accounts shall issue a warrant in favor of William Littell, for the same per centum on the money paid into the treasury by William Reddick, former sheriff of Campbell county, under an act passed the 21st day of December, 1815, which was paid to Robert Trimble and James Clark for monies collected by them from the former sheriffs of Mason, Bourbon or Clark, under a contract entered into by them with the former auditor of public accounts; which warrant shall be paid out of any money in the treasury not otherwise appropriated.

CHAP. CCCCXLVII.

An ACT to regulate the fees of the Justices of the Peace of this Commonwealth.

Approved February 10, 1819.

SEC. 1. *BE it enacted by the General Assembly of the Commonwealth of Kentucky*, That the justices of the peace shall be entitled to receive for their services the following fees, to wit: For attending to take depositions, one dollar per day; superintending a writ of forcible entry or detainer, one dollar per day; for copies of records, in all cases, for every twenty words, one and a half cent, where the same is required and actually made out and properly certified; issuing a warrant for any sum, in a civil case, twelve and a half cents; each original judgment, twelve and one half cents; recording such original judgment, twelve and one half cents; for each execution, twelve and one half cents; issuing an attachment, twenty-five cents; taking attachment bond, twenty-five cents; certifying a record and papers upon an appeal, fifty cents; issuing a summons for a garnishee, twelve and one half cents; Fees allowed to justices of the peace.

issuing a distress warrant for rent, twenty-five cents; issuing a peace warrant, twenty-five cents; for posting a stray and recording each post note, twenty-five cents: *Provided*, that where there may be more than one stray, of the same kind, posted at the same time, by the same person, the whole shall be included in one post note, and no additional fee shall be charged. The said fees shall be severally paid by the person or persons requiring the several services; and where said fees arise as costs in any civil cause, they shall be taxed in the bill of costs and charged to the unsuccessful party.

Penalty for demanding or receiving any other or greater fee.

Sec. 2. Any justice who shall demand or receive a greater fee for any service than is hereby allowed, or for any other pretended *ex officio* services—such as administering oaths of any description, upon the trial of causes or otherwise, or the issuing subpœnas, or any other process whatever—or receive a fee for any other service than is in this act specified, shall, for every such offence, forfeit and pay the sum of fifteen dollars, with costs, to any person suing for the same; to be recovered on motion in any circuit court for the county in which such offence may be committed, ten days' previous notice having been given in writing to the justice so offending, before the sitting of the court, and the said court shall give judgment accordingly, and that execution shall issue thereon as in other cases.

How to be recovered & applied.

Justices may issue fee-bills, and have the same collected

Sec. 3. The justices, in case of the nonpayment of their fees, shall have power to make out their fee-bills for any that may become due by virtue of this act, and put the same into the hands of the sheriff or constable, to be collected and paid as the fees of the clerks of the several counties within this commonwealth; and that the sheriff or constable shall be entitled to receive at the rate of ten per centum upon such collection: *Provided*, that no fee shall be allowed for distress for the collection of any such fee-bill. All acts or parts of acts coming within the purview of this act, shall be, and the same are hereby repealed.

Repealing clause.

No fees allowed in cases

Sec. 4. No fee shall be received by a justice of the peace for awarding judgment, recording the

same, or issuing execution in any civil case, where the amount of the judgment, exclusive of interest and costs, does not exceed twenty-five shillings. where the amount in controversy does not exceed 25 shillings.

Sec. 5. This act shall commence and be in force from and after the first day of June next. Commencing clause.

CHAP. CCCCXLVIII.

An ACT concerning certain offences committed by Slaves, and giving the Circuit Courts jurisdiction of the trial of Slaves for capital offences.

Approved February 10, 1819.

Sec. 1. *BE it enacted by the General Assembly of the Commonwealth of Kentucky*, That if any slave shall wilfully and maliciously shoot at any free white person, with a gun or other instrument, with intent to kill such person; or if any slave shall wilfully and maliciously wound any free white person, with intent to kill such person, or with intent to kill any other person, the slave so offending, his or her aider, abettors and counsellors, being a slave or slaves, shall be held guilty of felony, and shall therefor suffer death. Punishment of a slave shooting at or wounding free white person with intent to kill.

Sec. 2. *Be it further enacted*, That hereafter every slave who shall be charged in law with any offence punishable with death by the laws of this commonwealth, shall be tried and prosecuted in the circuit courts of this commonwealth only, in the same manner and under the same forms of trial as are by law prescribed in the cases of free persons. Trial of slaves for crimes punishable with death, to be had in the circuit courts only.

Sec. 3. This act shall commence and be in force from and after the first day of April next. Commencing clause.

CHAP. CCCCXLIX.

An ACT authorising an addition to the Town of Burksville.

Approved February 10, 1819.

Sec. 1. *BE it enacted by the General Assembly of the Commonwealth of Kentucky*, That sixty

Sixty acres of land to be annexed.

acres of land, belonging to the estate of Francis Emerson, deceased, lying on the westwardly side, and adjoining to the town of Burksville, shall be annexed and added to the town of Burksville.

Trustees' powers over it.

Sec. 2. The said ground shall be vested in the trustees of the town of Burksville, and their successors, and shall be by said trustees laid out into convenient lots, streets and alleys, correspondent to the streets and alleys of the town of Burksville; and the said trustees shall make sale of said lots or parts of lots, under the direction of the guardians of the heirs of said Francis Emerson, deceased, and upon such credit as said guardians may direct, taking bond and approved security for the money arising from said sales to said guardians.

To make sale under direction of owners

Trustees to conveythe lots

Sec. 3. The said trustees, or their successors, shall convey the lots so sold to the purchaser or purchasers, agreeably to the rules and regulations now directed by law relative to said town of Burksville.

Guardians of Emerson's heirs to sell & convey certain lots.

Sec. 4. Thomas M. Emerson and Unity H. Emerson, guardians to the heirs of said Francis Emerson, deceased, shall be, and they are hereby authorised to sell, upon such credit as they may think fit, any or all the lots in the town of Burksville, of which the said Francis Emerson died seised and possessed, and to make conveyances of the same; or, upon their direction, the trustees of said town shall make said conveyances; which conveyances, when made in either of the aforesaid ways, shall be good and effectual to all intents and purposes.

To give bond and security.

Sec. 5. Previous to any of the aforesaid sales, the said Thomas M. Emerson and Unity H. Emerson shall execute bond with approved security, in the county court of Cumberland county, in such sum as said court may require, conditioned for the faithful discharge of the duty enjoined on them, and to apply the money arising from said sale to the use of said heirs.

Condition.

To give a further bond.

Sec. 6. The said Thomas M. Emerson and Unity H. Emerson, guardians of said infant heirs, shall, before the sale of said sixty acres of

land, execute bond with approved security, in the county court of Cumberland county, in such sum as said court may require, conditioned to refund the purchase money arising from the sale of said lots, to any person or persons who shall hereafter set up and establish a prior and better title to said land. Condition.

CHAP. CCCCL.

An ACT to amend an act entitled "an act appointing a Sergeant of the Court of Appeals."

Approved February 10, 1819.

BE it enacted by the General Assembly of the Commonwealth of Kentucky, That the sergeant of the court of appeals may appoint a tipstaff, who shall attend the court of appeals and general court with him, who shall receive the same fees for his services that the crier of the United States' court for the Kentucky district is entitled to.

CHAP. CCCCLI.

An ACT for the appropriation of Money.

Approved February 10, 1819.

SEC. 1. *BE it enacted by the General Assembly of the Commonwealth of Kentucky*, That the following allowances be made to the persons hereafter mentioned, to with:

To the speakers of the senate and house of representatives, four dollars per day each. Allowance to the Speakers.

To the clerks of the senate and house of representatives, sixty dollars per week each. Clerks.

To the sergeants-at-arms of the senate and house of representatives, twenty-one dollars per week each. Sergeants-at arms.

To the clerks of the committees of the senate and house of representatives, twenty-one dollars per week each. Committee clerks.

To the door-keepers of the senate and house of representatives, twenty-one dollars per week each. Door-keepers.

R. Devine. To Roger Devine, for providing fuel, furnishing water, candles and candlesticks, for the house of representatives, during the present session, eighty dollars.

Same. To Roger Devine, as per account rendered, forty dollars.

D. Johnson. To David Johnson, for providing fuel, furnishing water, candles and candlesticks, for the senate, during the present session, eighty dollars.

Same. To David Johnson, for furnishing eighty-five loads of wood, at two dollars per load, one hundred and seventy dollars.

Kendall and Russells. To Messrs. Kendall and Russells, public printers, one thousand five hundred and thirty-two dollars fifty cents.

Clerks. To the clerks of the senate and house of representatives, for four days' services, at the rate of sixty dollars a week each, in addition to the number which the legislature may be in session—which time they will be necessarily employed in completing the journals, preparing the acts for publication, and arranging and filing the papers.

Clerk H. R. To the clerk of the house of representatives, for stationary furnished, and for printing, during the present session, as per bills, eighty dollars.

Same. To the clerk of the house of representatives, for clerk hire, twenty-five dollars per week during the present session.

E. Bush. To Mrs. Eliza Bush, for furnishing a room wherein to keep the press, books and papers of the house of representatives for the last year, twenty-five dollars.

J. J. Vest. To John J. Vest, for furnishing materials and work done to the gallery and hall of the house of representatives, thirty-one dollars eighty-seven cents, as per account filed.

Butler and Wood. To Messrs. Butler and Wood, for folding and stitching 400 copies of the act of last session establishing independent banks; for folding and stitching 8,500 copies of the militia laws, and 150 copies of the reports of the river commissioners, and for furnishing a copy of Littell's compilation of the Laws of Kentucky, and the journals of 1817, in pursuance of a resolution of the house of representatives, fifty-two dollars, as per account filed.

To Edward Roberts, for assisting in guarding John Moore, charged with murder, from Cincinnati, in the state of Ohio, to Mountsterling, in this state, fifty-seven dollars. E. Roberts.

To William Hoover, for furnishing materials and putting up curtains in the halls of the senate and house of representatives, and for furnishing two chairs for the speakers, twelve hundred and six dollars. W. Hoover.

To Davy Jones, for washing out the state-house, dusting the carpets, &c. twenty-nine dollars. Davy Jones.

To Anthony Crockett, sergeant-at-arms to the senate, for carrying a writ of election to Fleming and Nicholas counties, summoning a magistrate and witnesses from Nicholas, and witnesses from Jessamine, and for furnishing one hundred and fifty-one loads of wood, during the present session, three hundred and forty-seven dollars. A. Crockett.

To William Hunter, for four copies of the first volume of Littell's Laws, twenty dollars. W. Hunter.

To Oliver G. Waggener, assistant secretary, two hundred dollars. O. G. Waggener.

To William Heath, for supporting William Stapleton, a pauper, and money expended in his burial, fifty dollars. Wm. Heath.

To Charles Buck, one hundred and eighteen dollars forty-seven cents, for plank and timber furnished for inclosing the public square, pursuant to an advertisement of the late George Madison. C. Buck.

To Andrew Moore, clerk of Harrison, for attending two days under a *subpœna duces tecum*, in the trial of David Logan, at the last session, five dollars sixty cents. A. Moore.

To Amos Kendall, for an index to the acts of last session, twenty-five dollars. A. Kendall.

To Regis, (a negro man) for sundry services, ten dollars. Regis.

Sec. 2. *Be it further enacted*, That there be appropriated to the commissioners for finishing the public buildings, the sum of twelve hundred dollars; and it shall be the duty of said commissioners to settle their accounts on the first day of December next, and lay a complete statement thereof before each house of the general assembly, within the first week of its next session. To comm'rs of public buildings.

Sec. 3. *Be it further enacted*, That the following allowances be made:

Public printers, in advance

To Messrs. Kendall and Russells, public printers, in advance, for services of the present year, six hundred dollars.

Clerk senate.

To the clerk of the senate, for clerk hire, twenty-five dollars per week during the present session.

Same.

To the clerk of the senate, for stationary furnished, and for printing, during the present session, eighty dollars.

Butler and Wood.

To Messrs. Butler and Wood, for stationary furnished for the senate, during the present session, as per account filed, thirty-three dollars eighty-seven cents.

Same.

To Messrs. Butler and Wood, for binding sixteen hundred and fifty copies of the acts of the present session, four hundred and ninety-five dollars; and one hundred and fifty dollars, for binding two hundred and fifty copies of the journals of the house of representatives and senate, to be bound in one volume; one half of which sums to be paid in advance.

N. G. Reading.

To Nicholas G. Reading, for furnishing tables, chairs, &c. for the senate chamber, as per account filed, two hundred and seventy-six dollars.

Repairing office public square, &c.

For adding to and repairing the office attached to the public square, three hundred and fifty dollars, to be appropriated by the keeper of the state-house.

Bartlett.

To Bartlett, (a negro man) for sundry services in attending the senate, ten dollars.

J. J. Vest.

To John J. Vest, for repairing a press belonging to the house of representatives, as per bill rendered, seven dollars forty-four cents.

Treasurer appointed keeper of the public square.

Sec. 4. *Be it further enacted*, That the treasurer is hereby appointed keeper of the public square, and all that appertains thereto, to prevent any trespass from being committed thereon.

RESOLUTIONS.

A Resolution authorising the Auditor to employ additional Counsel to prosecute suits against the Officers of the United States' Banks.

RESOLVED by the General Assembly of the Commonwealth of Kentucky, That the auditor of public accounts be, and he is hereby authorised to employ, at public expence an additional counsellor or attorney, to assist the attorney-general in the prosecution of such suit or suits as has been, or may be necessary to prosecute against the officers of the branch banks of the United States, located in this state: *Provided*, not more than the sum of two hundred dollars shall be given as a compensation to such counsellor or attorney.

Resolutions for the encouragement of Domestic Manufactures.

WHEREAS the interest of the United States requires that a preference should be given to those articles that are the growth and manufacture of our own country, and that we abstain from the use of European commodities, when those of our country are to be procured on reasonable terms:

Resolved by the General Assembly of the Commonwealth of Kentucky, That it be recommended to the good people of this commonwealth to use every exertion to promote domestic manufactures; and the members of the general assembly, in order to effect this object, and bring them into general use, will, as soon as practicable, clothe themselves in productions of American manufacture, and will discourage the use of those of European fabric.

Resolved, That it be recommended to all officers of government of this state, and the members of the senate and house of representatives of this state in congress, to clothe themselves (especially when acting in their public capacities) in the manufactured goods of our own country; and to use all practicable means to introduce them into domestic and general use, in preference to those of foreign importation.

A Resolution fixing on a day on which to elect a Senator in Congress for the next senatorial term.

RESOLVED by the Senate and House of Representatives of the Commonwealth of Kentucky, That they will proceed, on Thursday the seventeenth of this instant, to the election of a senator in congress, for six years, commencing on the fourth of March next.

A Resolution for the examination of the Bank of Kentucky and its branches.

RESOLVED by the General Assembly of the Commonwealth of Kentucky, That a joint committee of five members of the senate and ten of the house of representatives, be appointed to examine into and report the state of the Bank of Kentucky and its branches, and the causes of the late suspension of specie payments in the same.

A Resolution appointing a committee to examine the accounts of the Commissioners appointed under the act for the improvement of internal navigation.

RESOLVED by the General Assembly of the Commonwealth of Kentucky, That a committee of five members from the senate and ten from the house of representatives, be appointed to take into consideration the reports, and to examine the accounts of the commissioners appointed by the legislature, conformably to the act for the improvement of internal navigation, and to report thereon.

Resolutions relative to the Road leading from Mountsterling to the Virginia line, by way of Prestonsburg.

RESOLVED by the General Assembly of the Commonwealth of Kentucky, That the executive of this state be, and he is hereby requested to correspond with the executive of the state of Virginia, on the subject of opening a state road from Mountsterling, in this state, to the interior of Virginia, by way of Prestonsburg, and respectfully request the executive of Virginia to lay the subject before the legislature of that state, and solicit the extension of said road from the line of this state to the interior of Virginia.

Resolved, That the executive of this state be, and he is hereby requested, in conjunction with the executive of Virginia, to fix on the point where the contemplated road shall cross the line between the two states.

Resolved, That the executive of this state be, and he is hereby requested to transmit to the executive of Virginia, a copy of the act entitled "an act to open a road from Mountsterling to the Virginia line, by way of Prestonsburg," approved the 21st day of December, 1818; also, a copy of the commissioners' report, that the same may be laid before the legislature of Virginia at their present session.

A Resolution fixing on a day on which to elect a Treasurer, Public Printer, and a President and Directors of the Bank of Kentucky on the part of the State.

RESOLVED by the General Assembly of the Commonwealth of Kentucky, That they will, on the 13th day of January, proceed to the election of public printer, and treasurer, and president and directors of the Bank of Kentucky on the part of the commonwealth.

A Resolution directing the joint committee appointed to examine the Treasurer's Office, to destroy certain vouchers.

RESOLVED, That the joint committee appointed to examine the treasurer's office, destroy the vouchers remaining in that office, which were receipted for by the present treasurer when he entered upon the duties of his office.

A Memorial and Resolution respecting Christopher Miller.

THE legislature of Kentucky cannot view the present happy state and condition of their country, as it respects her being secure from foreign invasion, without looking back, and enquiring how, and by what means she has attained this high, dignified and honorable station; in doing which, she discovers herself indebted in gratitude to many worthy men who are no more. But the eye falls upon one, Christopher Miller, who is yet living, and who has never been noticed by the general government, to whom they conceive she is greatly indebted, not only upon the principle of rewarding real merit, but upon

the score of justice, founded on a promise made by a man, on the part of the United States, on whose promise Christopher Miller had a right to rely.

In the year 1783, Christopher Miller, of Hardin county, in the state of Kentucky, was taken prisoner by the Indians, who was then about fifteen years of age; he remained a prisoner with them till the year 1794, when he was taken from them by the spies of General Wayne. No sooner did he find himself in the midst of his brothers of America, than that spark of love of country, which had been almost extinguished by savage habits, burst into a flame, and he tendered his services to the general, as one of his spies. In this character he acted for some time, going into the environs of the towns of the enemy, taking prisoners from his old masters, and bringing them to his general. At length it became necessary to send another flag to the enemy—several having been sent, and none having returned. The eyes of the board of officers were turned to Miller; he was applied to by the general, with an assurance, if he would undertake the task, and should succeed in the undertaking, he should receive from his government an independent fortune. The agreement is made—the ambassador sets out—the anxious eyes of his countrymen follow him, but scarcely a gleam of hope is left that he will ever return; but, to their great joy, he performs the undertaking—finishes the task—effects the objects of his mission, and on the fourth day returns to his general: Peace is concluded—the shedding of human blood is thereby stopped. Wayne is now no more—Miller still lives; he has a family of promising children, is poor, and has never received any compensation for his services. We are told, that application was once made to congress for him; but, for the want of proof in support of the facts alleged, no allowance was made. The legislature of Kentucky, having, at their present session, members of their own body, who know the facts herein stated to be true, have thought it their duty to interfere in behalf of one of their countrymen, and pray your honorable body to make such provision by law for the said Christopher Miller, as you in your wisdom may think just.

Resolved by the General Assembly of the Commonwealth of Kentucky, That the acting governor of Kentucky be requested to transmit copies of the foregoing memorial to each of our senators and representatives from the state of Kentucky in the congress of the United States, and that they be directed to lay the same before congress, and use their best exertions to have it acted upon during the present session.

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N. B. This Index is arranged under General Heads; for example—all provisions for the benefit of individuals, are put, alphabetically, under the head of "*Beneficial Acts;*" all granting land, under "*Donations of Land;*" all matters relative to towns, under "*Towns;*" and so of every other subject.

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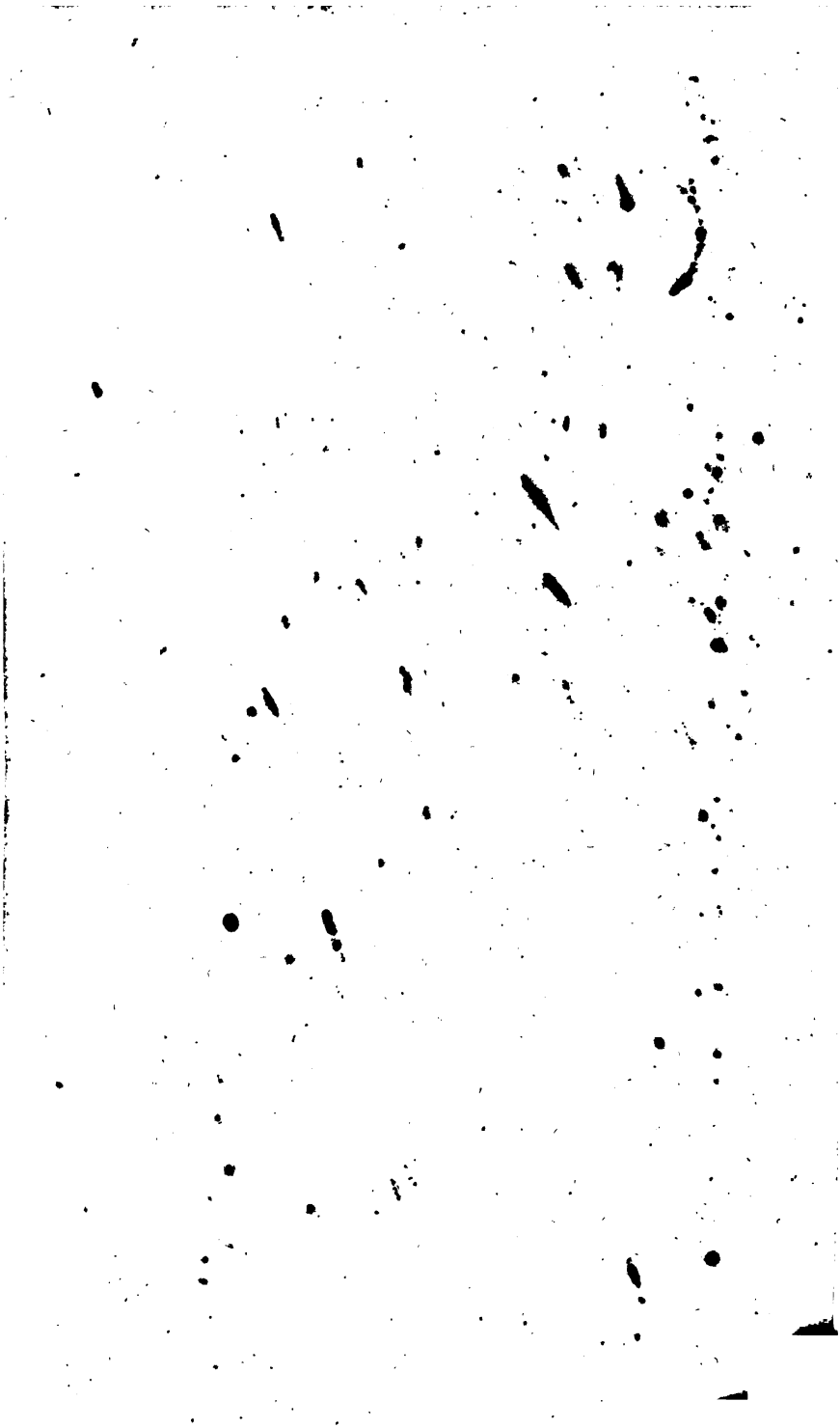

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